J/10362.b.6

COLLECTIONS

FOR THE

HISTORY

OF

HAMPSHIRE,

AND THE

BISHOPRIC OF WINCHESTER:

INCLUDING THE ISLES OF WIGHT, JERSEY, GUERNSEY, AND SARKE;

BY D. Y.

WITH THE ORIGINAL DOMESDAY OF THE COUNTY, AND AN ACCURATE ENGLISH TRANSLATION; PREFACE, AND INTRODUCTION; CONTAINING AN ACCOUNT OF THIS CURIOUS RECORD, A VIEW OF THE ANGLO SAXON HISTORY AND FORM OF GOVERNMENT, FROM THE REIGN OF ALFRED; TOGETHER WITH A SLIGHT SKETCH OF THE MOST MATERIAL ALTERATIONS WHICH THE LATTER UNDERWENT AT THE PERIOD OF THE CONQUEST. TO WHICH IS ADDED, A GLOSSARY EXPLANATORY OF THE OBSOLETE WORDS.

By RICHARD WARNER,

OF SWAY IN THE COUNTY OF SOUTHAMPTON, AND OF ST. MARY HALL, OXFORD.

Illuſtrated with upwards of Sixty Plates, elegantly engraved, Views of remarkable Places, or Portraits of eminent Men, taking honours from this County, or being Natives.

IN SIX VOLUMES.

VOL. IV.

Containing the Iſlands of Jerſey, by Mr. FALL, a new Edition, with great additions.

LONDON:

PRINTED FOR THE AUTHOUR, AND SOLD by MESSRS. RIVINGTON, ST. PAUL'S CHURCH-YARD; MESSRS. CADELL AND DAVIES, STRAND; LAW, AVE-MARIA-LANE; SEWEL, CORNHILL; THE BOOKSELLERS OF SALISBURY, OXFORD, WINCHESTER, AND SOUTHAMPTON.

N.B. Only 250 of this work are printed, viz. 225 on ſmall paper, and 25 large paper. Price Five Guineas in boards the ſmall paper, and Ten Guineas the large.

BRITISH MUSEUM

A HISTORY
OF
NATURAL
OF THE
COLLECTIONS

AN

HISTORICAL ACCOUNT

OF THE

ISLAND OF JERSEY, &c.

IT cannot with certainty be ſaid when, or by whom, this iſland was firſt inhabited; which will not ſeem ſtrange to him who conſiders how dark and fabulous the hiſtory of the greateſt nations is, when carried up to times and ages too remote.

It is abundantly ſufficient for the honour of this iſland, in point of antiquity, that it was known to the Romans, who called it Cæſarea, a name of diſtinction given to favourite places; and by that name the Emperor Antoninus lays it down in his Itinerary, among the Iſles of the Britannic Ocean[1]. It makes ſo good an appearance from the neighbouring Continent, and the traject to it is ſo ſhort, that it is not likely the Romans would paſs it by without viſiting it, as they carried on the war in theſe parts. Cæſar himſelf relates how he brought under ſubjection the Unelli, the Lexobii, and other nations inhabiting this Maritime Tract[2], of which the adjacent iſlands being members and appendages, doubtleſs he would not fail to reduce them with the reſt. And accordingly we want not proofs of the Romans, if not of Cæſar himſelf, coming amongſt us. Adjoining to Mont-Orgueil Caſtle, and having communication with it by a ſally-port, there is an old fortification called to this day, by immemorial tradition, *Le Fort de Céſar*. Likewiſe at Roſel, in the north of the iſland, there is a remarkable intrenchment, by a like tradition, bearing ſtill the name of *La petite Céſarée*. Near the manor of Dilament one ſees the remains of an ancient work, in the known form of a Roman camp. Coins alſo

[1] Itinerar. Pariſ. 1512. pag. 89. [2] De Bello Gallico. lib. iii. & vii.

have been found here, but our people unhappily wanting a taſte for ſuch things, have neglected to preſerve them. Nor did I myſelf make inquiry after them till lately, when three were put into my hands, viz. a grand bronze (to ſpeak in the ſtyle of the medal-liſts) of the Emperor Commodus, newly digged up in the pariſh of St. Oûen; and two of Probus and Poſthumus, of that ſort which (as Patin obſerves[1]) came to be ſtruck in the impoveriſhed and declining ſtate of the Roman empire.

The modern name of Jerſey, or Gerſey, is allowed after Mr. Cambden[2], to be but a corruption of that of Cæſarea. For *Ey*, in the language of thoſe northern nations who overran Europe about a thouſand years ago, ſignifies an iſland[3], as in the name of *Angles-ey*, i. e. the Iſle of the Angles; and *Jer*, or *Ger*, and likewiſe *Cher*, is but a contraction of *Cæſar*, as in the name of *Cherbourg*, an ancient ſea-port town in Normandy, ſo called from the Latin *Cæſaris-burgum*. Jerſey is, as if one ſhould ſay, Cæſar's Iſland.

It is alſo ſometimes mentioned in old writings and monuments by the name of Augia, which the learned Mr. Poindextre thought to be the original name of this iſland, before the Romans were acquainted with it, and called it Cæſarea; ſo that although they, in right of conqueſt, would needs give it a new name, yet ſtill the old name remained among the natives, and neighbours on the Continent, and was in uſe many ages after. And that thus it has often happened to places and countries upon a conqueſt, is notorious from all hiſtories; into which no ſmall confuſion and obſcurity has been thrown by ſuch plurality of names applied to the ſame place. By the above-ſaid name of Augia, Childebert, King of France, ſon of Clovis, gave this iſland to Samſon, Archbiſhop of Dol, in Armorica, about the year 550, including in the ſame grant the other adjoining iſlands; of which grant that accurate and diligent hiſtorian D'Argentré atteſts to have ſeen authentic deeds and evidences[4]. But concerning that tranſaction I ſhall have a more proper opportunity to ſpeak under the article Religion, it being here mentioned only on account of this name of Augia, which we have under conſideration. To paſs therefore to another inſtance; in the reign of Charlemagne, Gero-aldus, Abbot of Fontenelle in Neuſtria, was ſent hither with an imperial commiſſion, which, though the occaſion be not ſaid, muſt have been of ſome importance, conſidering the quality of the perſon employed before in great negociations. *Is Abbas, juſſu Caroli Auguſti, quâdam*

[1] Hiſtoire des Medailles. ch. xvi. [2] De Inſulis Britannicis. pag. 854. [3] Ey. *Inſula.* Vid. Rudolphi Jonæ Gram. Iſland. pag. 103. [4] *Je trouve cela aux Vielles Lettres.* Hiſt. de Bretagne. liv. i. chap. xxviii. fol. 114. de l'Ed. de Paris. 1611.

legatione

legatione fungebatur in Insulâ cui nomen est Augia,—& est adjacens Pago Constantino[1]. Here the name of Augia occurs again, and the island is described by its situation near the Pagus Constantinus, i. e. the city of Constance, or Coûtance, as they now speak, and no other island but Jersey will answer that description. Therefore Augia and Jersey must be the same.

Whereupon it may be proper to observe, that it is very usual with ancient authors, when they speak of this island, to describe it by this very mark and character of its nearness to Coûtance, instead of naming it by name. Thus Gregorius Turonensis[2], and Aimoinus Monachus[3], call it an island of the sea which is adjacent to the city of Coûtance; Gaguinus[4] and Paulus Æmylius[5] call it an island of the dioceſe of Coûtance; and Papyrius Massonius[6], an island of the shore of Coûtance; and these descriptions point to Jersey no less plainly, than if its name was set down in capital letters. The occasion of this island being mentioned by them, was the banishment of Prætextatus, Archbishop of Roûen hither, in the year 577. Now two modern ingenious historians of Normandy speaking after them of the same affair, expresly call the place of his banishment Jersey[7]; which shews how those authors are now to be understood: indeed this island is so near to Coûtance, that they are in sight of each other. From the lofty towers of its beautiful cathedral it overlooks us, and the narrow channel betwixt it and us; and the bending shore of the Païs Coûtantin, reaching to Cape La Hogue, does in a manner surround and incloſe us on that side. As for the city itself, glorying in some remains of the Roman greatness, as aqueducts, &c. I have no farther concern with it at present.

Augia still is, and has been the name of other places. The Bodenzee, or Lake of Constance, in Swabia, has a noted isle in it so called[8]. In Normandy there is le Païs d'Augue, which is a large district containing some dioceses. And Homer speaks of

[1] Du Monstier. Nustria pia. in Fontanel. cap. viii. p. 155. ex Libro miraculorum S. Wandregisilli Abbatis Fontanellæ.

[2] Hist. Franc. lib. v. cap. xviii.—Insula Maris quod adjacet Civitati Constantinæ.

[3] De Gestis Francorum. lib. iii. cap. xxvi.—Insula Maris quæ Civitati adjacet Constantiæ.

[4] Compend. super Francorum gestis lib. ii. in Chilperico.—Insula Constantianæ Diœcesis.

[5] De rebus gestis Francorum. lib. i. in Chilperico.—Insula Oceani Constantiensis Diœcesis.

[6] Annal. lib. i. p. 52.—Insula Constantini Littoris.

[7] Pretextat privé de son Archeveſché, par un Synode d'Eveſques aſſemblez a Paris, fut relegué en l'iſle de Gerzai, dans le territoire de Conſtances.—Abregé de l'Hiſt. de Normandie. ch. ii. p. 33. Hiſtoire Sommaire de Normand. par de Maſſeville. part. i. p. 54. Fleury Hiſt. Eccl. tom. vii. liv. xxxiv. § 33.

[8] Munsteri Cosmogr. lib. iii.

more than one Augia among the Locrians, beſtowing on them the epithet of lovely[1]. But in regard to Jerſey, this its primitive name is grown obſolete and quite diſuſed, and Cæſarea corrupted into Jerſey has by length of time prevailed over it. I ſhall only add farther, that this name of Jerſey admits of ſome variations, cauſed by a change of letters into others of a ſimilar ſound and pronunciation. Thus it is written indifferently Jarzé, Gerſai, Gerſui[2], &c. by the French. In the records of the Tower and Exchequer it is Jereſeye. And when others have gone about to Latinize it, they have introduced the barbarous names of Gerſoium, Griſogium, and the like, in lieu of the true Roman name Cæſarea, of which they were ignorant, and which our great Britiſh antiquary[3] has ſo happily revived and reſtored to us.

Theſe reſearches into the ancient name of this iſland, have led me from the time of our firſt conquerors the Romans, down to that of the Francs, or French, who now in their turn were become our maſters. That warlike people breaking out of Germany in the fifth century, ſpread themſelves like an inundation far and wide. Under their Kings of the Merovingian and Carlovingian races, they by degrees founded an empire which took in all from the ocean to the Danube. Its more general diviſion was into Weſt-France, and Eaſt-France; the firſt, in the Latin of that age, called Weſtria, turned afterwards into Neuſtria, which now is Normandy, but this of far leſs extent than the ancient Neuſtria. It is a maritime province, and the iſlands in its neighbourhood, and within its view, Jerſey, Guernſey, and the reſt ever went along with it, as parcels of it, conſequently became then alſo appurtenances of the great kingdom of France.

Some perhaps may think, becauſe the French are ſtill called Galli, that they are the ſame Gauls whom Cæſar ſubdued. But thoſe Gauls were diſtinct bodies and governments of ſeveral nations, and (as one may ſay) the Aborigenes of the country, foraſmuch as no hiſtory extant goes beyond them[4]. Whereas the French were one people, an adventitious people, come from the other ſide of the Rhine, and of German extraction. The Romans ſubdued the Gauls, and the French drove out the

[1] Βῆσσάν τε, Σκάρφην τε, καὶ ΑΥΓΕΙΑΣ ἰφαδεινὰς.—Iliad. lib. ii.

[2] Je di, & diray que je ſui
Vacé de l'Iſle de Gerſui.
Maiſtre Vace en ſon Roman de Normandie.

[3] Mr. Camden.

[4] Therefore they boaſted of an immediate deſcent from the gods.—Galli ſe omnes à Dite patre prognatos prædicant.—Cæſar de Bello Gall. lib. vi.

Romans.

Romans. This remark might have been ſpared, were it not for the ſake of leſs knowing readers.

It was in the reign of Ludovicus Pius, ſon of Charlemagne, and about the year 837, that the Normans (whoſe very name ſhews from what part of the world they came) began to carry on a piratical war on the weſtern coaſt of France. Their boldneſs increaſing with their numbers, they made deſcents in ſeveral places, and committed great outrages[1]. But things grew infinitely worſe under Charles the Bald, ſon of the former, whoſe whole reign in a manner paſſed in a perpetual conflict with them. For by the advantage of their little light veſſels, they went up the rivers, and penetrated into the very heart of France, ſacking and burning the towns, ſhedding torrents of human blood, and bringing ſuch ruin and deſolation every where, as no hiſtories afford an inſtance of the like[2]. They were Pagans, and zealous for idolatry, a groſs and brutiſh idolatry; which, added to their native ſavageneſs, made them fall upon churches, monaſteries, religious perſons, and all that was Chriſtian, with a redoubled and helliſh barbarity[3]. In ſhort, they ſtruck ſuch terror throughout all France, that in the public litany, after thoſe words—"from plague, peſtilence, and famine," was ſubjoined, "and from the fury of the Normans, good Lord deliver us[4]."

No places could be more expoſed to their incurſions than the iſlands on the coaſt[5], through which they muſt neceſſarily paſs as they ranged the land. And accordingly in Jerſey, converted to Chriſtianity long before, they left us this monument of their cruelty. There lived here a holy man, famous for the piety and auſterity of his life; his name Helerius, in French Helier; whoſe little ſolitary cell, which he had choſen for a retreat from the world, is yet to be ſeen on a rock hard by Elizabeth caſtle, and is called the Hermitage. This holy man they put to death, with circumſtances that gained him the reputation of a martyr; no doubt for his bearing ſome illuſtrious teſtimony to the faith of Chriſt, in contradiction to their vile idolatry. The church-kalendar of Coûtance

[1] Vid. Geſta Normannorum antè Rollonem Ducem —— apud Du Cheſne Hiſtoriæ Norman. Script. antiq. ab initio. Paul. Æmyl. lib. iii.

[2] On n'en trouve point de pareille dans toutes les Hiſtoires.—Abregé de Mezeray, au Regne de Charles le Chauve.

[3] Le faux zele de leur religion impie & brutale les rendoit cruels & ſanguinaires, ſur tout a l'endroit des Gens d'Egliſe.—Le même.

[4] Godeau. Hiſt. de l'Egliſe. ſiecle ix. liv. i.

[5] Hæc clades, ſicuti primitùs, ita acerbiùs in INSULIS, ſeu Territoriis Occidentalibus, ac mari contiguis deſæviit, &c.—Du Cheſne. Hiſt. Norm. Script. antiq. pag. 21. ex autore Hiſtoriæ S^ti Viventii.

places

places his anniverſary, or day of his martyrdom, XVII^mo *Kalend. Auguſti*, i. e. on the 16th of July. The iſland itſelf grew famous upon his account, and ſtill more ſo when in after-time a Norman nobleman, of the poſterity of thoſe who had been his murderers, founded here a fine abbey in memory of him, and called it by his name *L'Abbaye de St. Helier*[1], of which more hereafter.

The near reſemblance betwixt the names of Helerius and Hilarius, has occaſioned a miſtake concerning St. Hilary, Biſhop of Poitiers, as though he had been baniſhed into this iſland, and had died here. Even Mr. Cambden himſelf ſeems to have given credit to that report, and thereupon calls the chief town in the iſland St. Hilary, which ſhould be St. Helier[2]. To have been the place of exile, and now the repoſitory of the aſhes of ſo bright a light of the ancient church, and ſo ſtrenuous an aſſertor of the doctrine of the Holy Trinity againſt the peſtilent and blaſphemous hereſy of Arianiſm, would certainly be a matter of great glory to this iſland. But in reverence to truth, we muſt diſclaim an honour which does not belong to us. For indeed St. Hilary was never here, and his ſtory is briefly this:—In the year 356 ſome Arian biſhops of Gaul, in view of procuring the condemnation of St. Athanaſe, convened a Synod at Beziers in Aquitaine[3], where St. Hilary ſo effectually oppoſed and defeated their wicked meaſures, that in revenge they complained of him to the Emperor Conſtantius, himſelf an Arian, who thereupon baniſhed the good Biſhop into Phrygia beyond the Helleſpont. Some years after being ſuffered to return to his ſee, he died and was buried at Poitiers, which alſo was the place of his birth. This we learn both from St. Jerom[4], who was almoſt his co-temporary, and Severus Sulpitius[5], who lived and flouriſhed not long after him.

To return to the Normans;—for the ſpace of near fourſcore years they continued thoſe horrible ravages mentioned above, viz. from the year 837 to 912, when Charles IV.

[1] Gerſeium—Inſula ad mare Oceanum, Diœceſis Conſtantienſis. Illuſtrior haberi cœpit ex quo S. Helerius illic à Wandalis martyrii palmam accepit. Nam in honorem hujuſce inclyti Athletæ Chriſti conſtructa eſt inſignis Abbatia, à Domino Guillelmo Hamonis, viro nobili, & antiqui ſtemmatis apud Neuſtrios Heroe, in qua Canonicos Regulares S. Auguſtini poſuit; ac tandem ipſe exceſſit è vita 21mo Novembris; cujus ſic meminit Obituarium Cæſaris-burgi; xi. Calend. Decemb. Gulielmus Hamonis qui fundavit Abbatiam S. Helerii in Gerſoio.—Neuſtria pia in S. Helerio. pag. 712. Here the murderers of St. Helier are called Wandals, inſtead of Normans, the names of thoſe barbarous nations being often confounded, and uſed promiſcuouſly.

[2] Sanctum Hilarium Pictavienſem Epiſcopum huc relegatum, & ſepulturæ traditum ferunt.—Ut ſupra.

[3] Conciliabulum Byterrenſe.

[4] De Scriptoribus Eccleſ. No. III.

[5] Hiſtoria Sacra, lib. ii. propè finem. Bouchet Annales d'Aquitaine. part i. ch. xiv. &c.

ſurnamed

furnamed the Simple, who then reigned, finding himſelf unable to make head againſt them, much leſs to drive them out, thought it beſt to compound with them, and by making them a ceſſion of ſome part of his kingdom, ſave the reſt. Their leader at that time was Rollo[1], to whom Franco, Archbiſhop of Roüen, was ſent with the overture of a treaty.—"Will you, mighty Chieftain," ſaid he, "go on to make war with the Francs ſo long as you live? What will become of you if death ſurprizes you? Do you think that you are a god? Are you not a mortal man? Remember what you are, and will be, and by whom you muſt one day be judged[2]!" He then went on to propoſe terms for an accommodation; which were, that all that fine tract of country, part of Neuſtria, extending itſelf along the Britannic Ocean, in length near two hundred miles, with a breadth proportionable, ſhould be yielded to Rollo and his ſucceſſors for ever, to hold it in fief from the Crown of France, with the title and dignity of Dukes; and farther that upon Rollo's embracing Chriſtianity, to which the Archbiſhop was to exhort him by all proper arguments, the King would give him his daughter Gilla to wife, whereby the peace and amity betwixt the two nations would be more ſtrongly cemented. The propoſals were accepted, and the treaty concluded at an interview of the two Princes. Rollo was baptized, and his example, mixed with authority, ſoon prevailed with his followers to be ſo too[3]. He proved a worthy ruler, and is ſpecially famed for his great love and ſtrict obſervance of juſtice[4]. The province yielded to him had long been a wild ſcene of rapine and confuſion, but he quickly reduced it into admirable order, eſtabliſhing many good laws in it, and taking care to have them duly executed[5]. It then got the name of Northmannia, or Normandy, became a flouriſhing and powerful ſtate, and its Dukes made a figure equal to crowned heads[6], whoſe dominions were larger, but the wiſdom of their government leſs. The people under him mixed themſelves with the old inhabitants, grew humane and civilized, without loſing any thing of their ancient courage and bravery, of which they gave ſignal proofs in their after-

[1] Otherwiſe Rou, Roul, and Raoul, in the French and Norman writers.

[2] Omnium Ducum præſtantiſſime! —— Litigabis vitâ comite ſemper contra Francos? Præliaberis ſemper contra illos? Quid de te, ſi morte præoccupatus fueris?—Deum te eſſe exiſtimas? Nonne homo es? Memento qualis es, & eris, & cujus judicio damnaberis!—Dudo de moribus & actis primorium Normanniæ Ducum. lib. ii.

[3] Rollo comites ſuos, & milites, omnemque manum Exercitûs ſui baptizari fecit, atque Chriſtianæ Religionis fide per prædicationes inſtrui.—Id. ibid.

[4] Chronique de Normand. ch. xxvi.

[5] Dudo. ut ſup.

[6] Rollo—ſibi & poſteris Principatum paravit, qui exigius inchoatus initiis crevit, ut cæteris quibuſque maximis Regnis par viribis fuit.—Polydor. Vergil. Hiſt. Angl. lib. vi.

conqueſts of the kingdoms of England, Naples, and Sicily. In a word, ſo happily were their temper and manners altered upon their converſion, that they gained the character of a religious nation, beyond moſt others at that time[1]. This glorious change was the work of Chriſtianity, which has a peculiar virtue and efficacy to ſoften the ferocity of corrupt human nature; inſomuch that if we no longer hear of thoſe barbarous devaſtations of countries, and all that bloodſhed ſo common in the days of Paganiſm, and if modern wars betwixt nations are proſecuted with more humanity, it is owing to that excellent religion which wicked and unthankful men would now baniſh out of the world.

One thing more relating to Rollo I cannot paſs without notice, both becauſe of the ſingularity of it, and the concern which we of this iſland have ſtill in it. Whether it began through his own appointment, or took its riſe among the people from an awful reverence of him for his juſtice, it matters not; but ſo it is, that a cuſtom obtained in his time, that in caſe of encroachment and invaſions of property, or of any other oppreſſion and violence, requiring a prompt remedy, the aggrieved party needed do no more than to call upon the name of the Duke, though at never ſo great a diſtance, thrice repeating aloud *Ha-Ro*, &c[2]. and immediately the aggreſſor was, at his peril, to forbear attempting any thing farther. Nothing could be more wiſely provided to prevent wrongs even among equals, but was no doubt chiefly deſigned to repreſs the inſolence of powerful great men, who too often deride and too eaſily defeat thoſe more ſlow legal methods whereby their injured inferiors ſeek to be relieved againſt them. And this is that famous *Clameur de Haro*, ſubſiſting in practice even when Rollo was no more, praiſed and commented upon by all who have writ on the Norman laws[3]. A notable example of its virtue and power was ſeen about 170 years after, at William the Conqueror's funeral, when in confidence thereof a private man, and a ſubject, durſt oppoſe the burying of his body. It ſeems that in order to build the great Abbey of St. Stephen, at Caen, where he intended to lie after his deceaſe, the Conqueror had cauſed ſeveral houſes to be pulled down for enlarging the area, and amongſt them one whoſe owner had received

[1] Spondani Epitome Annal. Baron. ad an. 1002.

[2] Pour la bonne paix & juſtice qu'il maintint en ſa Duché, ſes ſubjects prindrent une couſtume, tant de ſon vivant comme apréz ſa mort, que quand on leur faiſoit force ou violence, ils crioyent *Aa-Rou*, &c.— Chron. de Normand. ch. xxvi. *Aa!* or *Ha!* is the exclamation of a perſon ſuffering. *Ro* is the Duke's name abbreviated. So that *Ha-Ro* is as much as to ſay, *O Rollo, my Prince, ſuccour me!* Accordingly with us in Jerſey, the cry is, *Ha-Ro, a l'aide, mon Prince!*

[3] Rouillié Grand Couſtumier de Normandie. fol. lxxvi. Terrien Commentaires du Droict, &c. au Pays & Duché de Normandie. liv. viii. ch. xi.

no ſatisfaction for his loſs. The ſon of that perſon[1] obſerving the grave to be digged on that very ſpot of ground which had been the ſite of his father's houſe, came boldly into the aſſembly, and forbade them, not in the name of God, as ſome have it[2], but in the name of Rollo, to bury the body there. Paulus Æmylius, who relates the ſtory, ſays, that he addreſſed the company in theſe words:—"He who oppreſſed kingdoms by his arms, has been my oppreſſor alſo, and has kept me under a continual fear of death. Since I have outlived him who has injured me, I mean not to acquit him now he is dead. The ground wherein you are going to lay this man, is mine; and I affirm that none may in juſtice bury their dead in ground which belongs to another. If after he is gone, force and violence are ſtill uſed to detain my right from me, I APPEAL TO ROLLO, the founder and father of our nation, who, though dead, lives in his laws. I take refuge in thoſe laws, owning no authority above them[3]." This brave ſpeech, ſpoken in preſence of the deceaſed King's own ſon, Prince Henry, afterwards our King Henry I. wrought its effect. The *Ha-Ro* was reſpected, the man had compenſation made him for his wrongs, and all oppoſition ceaſing, the body of the dead King was ſuffered to be laid in the grave.

In the manner I have accounted for it, was Normandy, together with this and the other iſlands, diſmembered from the Crown of France; ſo to remain for ever, purſuant to the treaty between Charles and Rollo; reſerving only to the ſaid Crown the right of challenging homage, and giving inveſtiture upon the acceſſion of a new Duke. By accidents, and the fate of war, France got poſſeſſion again of the continent of Normandy, and holds it ſtill; but could never recover theſe iſlands, as the ſequel of this hiſtory will ſhew. And this our paſſing from the French under the Norman dominion, is the third revolution in our little State of Jerſey. We ſhall quickly come to a fourth, which we hope will be the laſt. For being, after ſo many changes, happily ſettled in a ſubjection to England, our deſire is never to be removed from it, until the coming of that great day, which will put an end to all rule and dominion among men.

[1] Some ſay the ſon, others the perſon himſelf.

[2] Baker's Chron. pag. 31.

[3] Qui regna oppreſſit armis, me quoque metu mortis haſtenùs oppreſſit. Ego injuriæ ſuperſtes, pacem mortuo non dabo. In quem infertis hunc hominem locum, meus eſt. In alienum ſolum inferendi motûi jus nemine eſſe defendo. Si extincto tandem indignitatis authore, vivit adhuc vis, ROLLONEM, conditorem parentemque Gentis, APPELLO; qui legibus ab ſe datis, quàm cujuſquam injuria, plus unus poteſt, polletque.—De rebus geſtis Francorum. lib. iii. Maſſeville Hiſt. Somm. de Normand. part I. liv. iii. pag. 224.

From Rollo (taking him into the account) to William the Conqueror, there have been of the ſame family ſix Dukes of Normandy, our lords and maſters. I mean Dukes of Normandy without the acceſſion of England. I ſhall do little more than ſet down their names, in the order in which they ſucceeded each other.

Rollo, firſt Duke of Normandy, at his baptiſm called Robert, by which latter name he is little known at preſent, it being in a manner eclipſed by the brighter fame and reputation of the other.

William I. ſurnamed *Longue-eſpée*, from his long ſword, ſon of Rollo. All the Normans wore long ſwords, and to that, together with their uſe of the long bow, their writers aſcribe their victory over the Engliſh when they came in with the Conqueror. The Engliſh, it ſeems, fought with pole-axes[1]. At the firſt onſet the Normans ſorely galled them with their arrows. It coming to a cloſe fight, while the Engliſh in handling their heavy weapons were obliged to lift up both arms, and ſo to leave their bodies open and unguarded before, the Normans ran them through with their long ſwords[2]. This particular being omitted by our hiſtorians, in the relation they give of that famous battle, I thought it not amiſs to give it a place here. Duke William, in ſize and ſtrength of body exceeded ordinary men, which enabled him to weild a longer ſword than the reſt of his Normans[3]. It could not however preſerve him from being baſely aſſaſſinated by Arnold, Earl of Flanders, at a conference held under pretence of a reconciliation betwixt them. He was no ways inferior to Rollo, his father, in valour and wiſdom of government.

Richard I. ſurnamed *Sans-peur*, i. e. Intrepid, or Fearleſs[4], ſon of William *Longue-eſpée*. Being but ten years old when his father was murdered, his minority encouraged Lewis IV. King of France, to attempt the regaining of Normandy. Treachery and open force were both employed to effect it, and the country was overrun with French armies. But through the fidelity and good conduct of thoſe who governed the young Duke's eſtate in his tender age, but eſpecially through his own undaunted courage and

[1] D'autres baſtons ils ne ſe ſervoyent point.—Chron. de Normand. ch. xlix.

[2] Les Normans abbatoyent les Anglois de leurs longues-eſpées ſi dru, que de leur haches ne ſe pouvoient defendre, ſi non que a deux mains; & comme les Anglois hauſſoyent les bras pour frapper un Normand, de la pointe de ſon eſpée le tranſperçoit de part en part.—Chron. de Normand. ch. xlix.

[3] Id. ch. xxvii.

[4] Pour quelque choſe que luy avint, ou qui ſe preſentaſt devant luy, il n'euſt jamais peur. A raiſon de quoy fut ſurnommé Richard ſans peur.—Id. ch. xlii.

reſolution, when he came to head his troops in perſon, the French were beaten out of every inch of ground they had gained, and this brave Prince remained to the end of his life ſuperior to all his enemies around him, ſo far as once to have the French King himſelf his priſoner. In this height of power and reputation, Etheldred, King of England, ſought his friendſhip, and married his daughter, the famous Emma[1], mother of Edward the Confeſſor; Providence ſo early preparing a way by that alliance, for thoſe after-events which advanced one of his blood to the throne of England.

Richard II. ſurnamed *Le Bon*, i. e. the Good, ſon of Richard I. Such a ſurname, given to few Princes, becauſe few indeed have deſerved it, does him honour enough, without adding any thing more; unleſs it be this, (to obviate a ſuſpicion of weakneſs) that he was no leſs valiant and wiſe than good.

Richard III. ſon of Richard II. wanted only a longer life to render him equal to any of his predeceſſors, having in his father's life-time performed actions that had raiſed a great expectation of him. But after a ſhort reign of two years he died unmarried, and ſo left the Dutchy to his brother

Robert, ſurnamed *Le Magnifique*, i. e. the Magnificent, or Liberal; which glorious title he made good by many acts, both of bounty to inferiors, and of generoſity to equals, I mean to other Princes who needed and craved his aſſiſtance. To him Henry I. of France owed no leſs than his crown, of which an unnatural mother would have deprived him, to ſet up a younger brother. By him the diſtreſſed remains of the family of Etheldred (who was his uncle by the marriage of Emma, his father's ſiſter) was preſerved from the fury and cruelty of the Danes; and Edward the Confeſſor was long kept and entertained at his Court. More than that, the noble Duke, at a vaſt expence, raiſed a powerful army to expel the uſurpers, and reſtore the injured family to their inheritance; but in his paſſage met with ſuch tempeſtuous contrary winds, as forced him with his fleet into Jerſey, as Gulielmus Gemmeticenſis ſaith[2], or as Walſingham and others have it[3], into Guernſey; though I rather think the former, becauſe it is added, that from thence he afterwards ſailed to Mont-Sainct-Michel, to which Jerſey is much nearer than Guernſey. Be it one or the other iſland, there he was ſo long detained, that the

[1] Emmæ Angl. Reginæ Encom. Authore coetan. apud Du Cheſne. pag. 161.
[2] Nimiâ tempeſtate acti ad Inſulam quæ GERSUS vocatur.—Hiſt. Norman. lib. vi. cap. x.
[3] — ad Inſulam quæ vocatur GERNSI —— Ypodig. Neuſtriæ. pag. 23. Chron. de Normand. ch. xlv. Abrégé de l'Hiſt. de Normand. ch. iii. pag. 106.

 proper

proper ſeaſon and opportunity for action was loſt. Some time after, upon failure of the Daniſh line, Edward the Confeſſor aſcended the throne peaceably, and then requited the Duke's kindneſs (who was now dead) by raiſing the hopes of his ſon, and giving him encouragement to look towards the Crown of England. This ſon was the only one of Robert, and by birth illegitimate, yet for his promiſing qualities preferred by his father to all collateral relations in the ſucceſſion of Normandy. We ſhall ſee him by and by with both the royal and ducal crown upon his head.

All theſe Princes ſhine in hiſtory, and it is noted as a felicity peculiar to Rollo's race, that none were ſeen to degenerate, but like him to be all eminent in peace and war[1]; which is very true, ſo far as we have gone in our account of them; while in the ſame age, the deſcendants of Charlemagne were ſunk into ſuch prodigious ſloth, and unaptneſs for government, that hardly any trace appeared remaining in them of the virtues of their great anceſtor. For ſix ſuch Princes as thoſe above, to follow one another without interruption, in a continued ſeries of 154 years, and no worthleſs creature to thruſt in, and break the beauteous link, is extraordinary enough to deſerve obſervation. Not that they were exempt of all blemiſhes, but thoſe were leſs heeded for the ſake of their greater excellencies.

It is from the good character of theſe Princes that I am left to gueſs at the ſtate and condition the iſlands were in under them. I ſay, left to gueſs, becauſe here memoirs and authorities fail me. But if a people are rarely unhappy under a good Government, it could hardly fare otherwiſe than well with the iſlands, while ſuch Princes ruled; which is all that can be ſaid upon that ſubject. After Robert, the laſt of the ſix, comes his ſon,

William the Conqueror, the beginner of a new epocha in the hiſtory of England, and from whoſe conqueſt of that kingdom I date the fourth and laſt revolution amongſt us; though indeed in critical ſtrictneſs it ſhould rather be placed in the reign of his younger ſon King Henry I. For while Robert, elder brother of Henry, held Normandy, after his father's deceaſe, we were his ſubjects, that is, ſubjects to a Duke of Normandy. But when Henry had diſpoſſeſſed his brother, and added Normandy and theſe iſlands

[1] Nous devons cette remarque glorieuſe a la memoire de nos Ducs de Normandie, que depuis Raoul — il ne s'en eſt pas rencontré un ſeul foible, laſche, ou meſchant, non pas ſeulement mediocre; mais tous ont eſté excellens en toutes, ou en la pluſpart des qualitez requiſes en des Princes capables de commander aux plus grands Eſtats de la Terre.—Abrégé de l'Hiſt. de Norman. liv. iv. pag. 129.

to the kingdom of England, we then became Engliſh ſubjects. Robert's reign was ſo ſhort, that the break it makes is inconſiderable. Our ſubjection therefore to England may, with very little error, and with that ſmall exception, be reckoned to have commenced at the Norman conqueſt, an. 1067, from which time to this[1] are 728 years. And if we go ſo far back as the treaty betwixt Charles the Simple and Rollo, an. 912, it is not leſs than 883 years ſince France yielded us up, and that we have been under the more happy dominion of other powers.

This gives the inhabitants of theſe iſlands the precedency, as to priority of time, before all others their Majeſties ſubjects, ſaving only the purely Engliſh; Ireland not being ſubdued till the reign of Henry II. nor Wales reduced till that of Edward I. and neither the one nor the other perfectly even then. Thus alſo the acceſſion of Scotland happened not till the beginning of the laſt century, to ſay nothing of the plantations abroad, which, in compariſon, are but of yeſterday. I ſpeak not this to derogate from the honour of kingdoms and principalities which do vaſtly exceed us in expanſion of country, and have brought a far greater addition of power to the Engliſh empire; but to demonſtrate their Majeſties ancient and indiſputable right over us, and ſhew at the ſame time how ſtrong our attachment is to England, which has ſtood the long teſt of ſo many ages.

By the Conqueſt no ſmall change was introduced into the laws, cuſtoms, manners, and the very language of England; as it uſually comes to paſs on the like great events. In the iſlands we were not ſubject to this inconvenience, for a very plain reaſon, if I may preſume to ſpeak it, viz. our being, not on the conquered, but on the conquering ſide. Our Conſtitution being in all things like that of Normandy, could not be affected, or any way ſuffer, by a Duke of Normandy bringing another nation under his power; therefore it remained as it was, and ſo (for the moſt part) ſubſiſts to this day. All the change we felt, was, that inſtead of a Duke, we now had a great and powerful King for our Sovereign, or rather we had both in the ſame perſon.

At laſt this mighty Prince, after a reign famous for military exploits, gave way to fate, and met his death in Normandy by an uncommon accident. He had taken the town of Mante, and in revenge for ſome contemptuous words ſpoken of him by the French King, to whom the town belonged, he would have it burnt and laid in aſhes. As he was riding through the ſtreets amidſt the fire and ſmoke, preſſing the execution of his cruel orders, his horſe pitched with its fore feet into a ſink, and in raiſing up and reco-

[1] Viz. to the year 1731.

vering itſelf, the King received ſuch a contuſion in his groin by the pommel of the ſaddle, that he fell into a languiſhing, of which he died [1]. I mentioned before his being buried at Caen, in the church of the great abbey, founded by himſelf, where I have ſeen his tomb. It is a plain altar-tomb, ſtanding in the middle of the choir; and has two inſcriptions on it, one on each ſide; and the firſt ſetting forth the quality of his perſon, and the union of England and Normandy under him [2]; the other reciting how that monument had been demoliſhed by the hereticks (meaning the French Proteſtants) and was now repaired by the religious of the Abbey, in gratitude to the memory of the Royal founder [3]. Such violation of Sepulchres, reſpected by the very heathens themſelves [4], can do no ſervice to any cauſe, and brings reproach upon a good one.

Robert II. ſurnamed *Courte-cuiſſe*, and *Courteheuze* [5], eldeſt ſon of the Conqueror, Duke of Normandy, excluſively of England. Good and evil were ſo oddly blended in this Prince, that it is not eaſy to hit his juſt character. Valiant and bold as all of Rollo's race, affable and popular, generous and compaſſionate; but withal raſh and imprudent, credulous and inconſtant, prodigal and giving without meaſure or diſtinction [6]; once or twice in open rebellion againſt his father, yet rather through the inducement of others, than from an evil diſpoſition in himſelf. Such a conduct, however had loſt him much of his father's affection. He was rambling in foreign courts when his father died, which gave opportunity to William Rufus, the Conqueror's ſecond ſon, to haſten over to England, and ſecure that kingdom for himſelf, leaving Normandy to Robert. This created a war betwixt the two brothers, which ended in a pact of mutual ſucceſſion, whereby England and Normandy were to be rejoined in the ſurvivor, in caſe the deceaſed left no iſſue [7].

[1] Comme il chevauchoit par la ville, ſon cheval mit le train de devant dedans une foſſe ou maliere, & au reſouldre il ſe bleſſa griefvement en la penilliere, ſe heurtant a l'arſon de la ſelle. Chron. de Normand. ch. l.

[2] Qui rexit rigidos Northmannos, atque Britannos
Audacter vicit, &c.

[3] Hoc Sepulchrum invictiſſimi juxtà & clementiſſimi Conqueſtoris Gulielmi, dum viveret Anglorum Regis, Normannorum, Cœnomanorumque Principis, hujus inſignis Abbatiæ pii Fundatoris, cùm anno 1562 veſano Hæreticorum furore direptum fuiſſet, pio tandem ejuſdem Abbatiæ Religioſorum gratitudinis ſenſu in tam beneficum largitorem, inſtauratum fuit, anno Domini 1642.

[4] Vid. Guther. de Jure Manium. lib. iii. paſſim.

[5] Copore brevis & groſſus, ideoque Brevis Ocrea à Patre eſt cognominatus. Orderic. Vital. Hiſt. Eccl. lib. viii.

[6] Id. Ibid.

[7] Hoc ſtatuerunt inter ſe, ſi alter ſine hærede moriretur, hæreditas defuncti ſuperſtiti remaneret.—Walſingh. Ypod. Neuſtriæ. pag. 33.

After

After this, came on the famous croiſade for the recovery of the Holy Land, in which Robert engaged, with Godfrey of Boûillon, and other princely adventurers. But wanting treaſure for the charge of ſuch an expedition, he was obliged to borrow, and found none more ready to lend than his brother Ruſus, who was not diſpleaſed to ſee him go ſo far out of the way, and took care to have Normandy mortgaged to himſelf for the ſecurity of his money. The Duke's known valour and liberality had ſo much recommended him to military men, that he ſet out well attended; and we have ſtill extant a liſt of the *Seigneurs*, i. e. noble and qualified perſons of Normandy, who followed his ſtandard, and ſignalized themſelves with him in that war. Among them we find the name of Renaud de Carteret[1], a name and family of great honour and antiquity with us in Jerſey, where it then held, and ſtill holds, the firſt and chief rank; nor do I doubt of the ſaid Renaud being accompanied by ſome of the braveſt iſlanders, purſuant to what is obſerved of multitudes going on that enterpriſe from almoſt every part and corner of Chriſtendom[2].

The Duke remained above five years abroad, and acquired an immortal renown by his many heroic atchievements. It was indeed the moſt glorious part of his life. Happy, if he had never looked back towards Europe, and had accepted of the Crown of Jeruſalem, which, after the taking of that city from the Infidels, was, by the unanimous voice of all the Princes in the Chriſtian army, tendered to him. But news coming of the death of William Rufus, and of the vacancy (as was reaſonably ſuppoſed) of the throne of England, Robert thought it more eligible to go to fill that throne (which now was his by a double right, viz. his birth, and the agreement with Rufus), and reign over the Engliſh and his own Normans, than to take upon him the government of a newly-erected, and yet unſettled kingdom. How great muſt his diſappointment be, to find at his return the place already taken, and himſelf once again ſupplanted and circumvented by another younger brother! This was Henry Beauclerc, third ſon of the Conqueror, who happening to be in England and preſent at the death of Rufus, took the advantage of Robert's abſence to ſtep betwixt him and the Crown. For a while theſe two rival brothers tried their ſtrength one againſt the other. Valour and right were on the ſide of Robert, but thoſe could not ſtand againſt the power of Engliſh gold[3], by means whereof Henry was enabled to carry the war into Normandy, with the reſolution

[1] Catalogue des Seigneurs de Normandie——qui furent en la conqueſte de Hieruſalem ſouba Robert Courte-heuſe, &c. Du Moulin, Curé de Maneval. Hiſt. de Normand. a la fin de livre.

[2] Fuller's Hiſt. of the Holy War, book V. ch. xxi, &c.

[3] Anglus in Northmanniam trajecit, fratremque in armis occurentem, non virtute victum, ſed quibuſdam ex-

reſolution not to leave his brother even that, but to ſtrip him of all. By the ſame means the fidelity of the Normans was corrupted, and the unfortunate Duke, deſerted and betrayed, fell into the hands of the uſurper of his birthright, who cauſed him to be tranſported into England, and ſhut up cloſe priſoner in Cardiff Caſtle, with his eyes put out. There he languiſhed many years in darkneſs and miſery, till with the extreme indignities his unnatural brother continued even then to throw upon him, his great heart broke. Nor could he obtain ſo much as a decent tomb to cover him when dead, that under which he lies in Gloceſter Cathedral being only of wood, as Mr. Cambden obſerved in ſurveying thoſe parts[1].

I have been the more particular in my account of this greatly injured Prince, becauſe he was the laſt of our Dukes. For ſince him we have had none, but either Kings, in whom the royal dignity abſorbed the ducal, or mere titular Dukes, who are of no conſideration in this place. I muſt farther do him the juſtice to add, that notwithſtanding his misfortunes, and the triumphs of his brothers, he certainly was, as the eldeſt, ſo the worthieſt of the three. He had faults, but they had greater, and he had virtues which they had not. It was their duplicity, and his open and generous heart, that gave them all the advantages which from firſt to laſt they gained over him, that lifted them up and caſt him down. I conclude in the words of an ingenious author[2], "That as the noble exploits which he performed in the holy war may atone for many errors, ſo they much outweigh, and are better worth than all that his brothers ever did. And ſo I paſs to

Henry I. From the death of the Conqueror, Robert's reign over us in theſe iſlands had cauſed a ceſſation of our dependance upon, and ſubjection to, Engliſh Kings, whereunto we were now brought back by Henry. But when it is ſaid, that after Henry had overthrown his brother, he did unite[3], or did annex[4], Normandy and theſe iſlands to the kingdom of England, thoſe learned men who thus ſpeak cannot be underſtood to

ex intimâ familiaritate ANGLICO AURO corruptis prodentibuſque, in poteſtatem redegit, in perpetuamque conjecit cuſtodiam.—Paul. Æmyl. de rebus geſt. Franc. lib. v. in Ludov. vi. Chron. de Normand. ch. liv.

[1] Britannia. 2d edit. in Gloceſterſhire, page 275.

[2] Les hauts exploits que fit Robert dans la Terre Sainte, peuvent en quelque façon effacer ſes dereglemens paſſéz, & valent mieux que tout ce que ſes freres ont jamais fait.—Maſſeville Hiſt. Somm. de Normand. part I. pag. 260.

[3] When King Henry I. had overthrown his elder brother Robert, Duke of Normandy, he did UNITE to the kingdom of England, perpetually, the dutchy of Normandy, together with theſe iſles.—Coke's Inſtit. ch. lxx.

[4] ——— Normanniam & has Inſulas Angliæ regno ADJUNXIT.—Camd. de Inſul. Britan. pag. 855.

have

have meant it of a proper incorporating union, but only of a conjunction of the two States, England and Normandy, under one head. For thoſe remained no leſs diſtinct than before, and he who was a King in England, was truly no more than a Duke in Normandy and in theſe iſlands. But of this only by the way.

King Henry now reigned on both ſides of the water in full poſſeſſion of all that had been the Conqueror's, and no doubt flattered himſelf with the hope of tranſmitting the ſame in as ample a manner to his ſon. He had none but him legitimate, therefore to ſecure a poſterity, of which he was moſt deſirous, he married him young[1] to a daughter of the Earl of Anjou, and withal made him Duke of Normandy. Some time after the ſolemnity of the nuptials, and a peace made with France, the King, attended by the new-married couple, and a numerous Court, came to Barfleur[2], in order to embark for England. Every thing hitherto had ſucceeded proſperouſly to Henry, but now ſuch a calamity befel him as was judged to be a ſtroke of the avenging hand of Heaven, purſuing him for his injuſtice and cruelty to his brother. This ſon and heir, from whom he looked for a long ſucceſſion of Kings to enjoy the great acquiſitions he had made, was on a ſudden ſnatched away, by a ſtrange and ſurpriſing fate, which denied the unhappy father even the poor ſatisfaction of gracing his dead ſon with a funeral. For the ſhip that carried him was loſt, and he periſhed in the waters, never ſeen or heard of more. With him died two more of the King's children, a ſon and a daughter, beſides many perſons of the firſt rank, and of both ſexes, moſtly the young and gay part of the Court, who had choſe to go with the Prince; in all, with the ſhip's crew, to the number of near three hundred; the whole manner and circumſtances of which dreadful ſhipwreck may be ſeen at large in *Ordericus Vitalis*[3], who lived at that time, but are too long to be inſerted here. I ſhall only make uſe of him to correct an error in the firſt edition of my book, relating to this affair.

I ſay there, page 11, ſpeaking of the Prince and his company, that "they were driven by a ſtorm among theſe iſlands, and were caſt away upon Caſquet, a dangerous rock two leagues weſt of Alderney, where they miſerably periſhed." I quoted in the margin my authority for mentioning Caſquet, though it ſeemed hard to me to conceive how they ſhould be carried ſo far out of the way, while the ſhip in which the King was, held its courſe with a fair wind to England. I ſought whether there might not be another rock of the ſame name, nearer, and more in the paſſage, and finding none, I acquieſced in the authority, and ſet down Caſquet as I found it. In Orderic the matter

[1] At ſixteen years of age. [2] A ſea-port town in Normandy. [3] Eccleſ. Hiſt. lib. xii.

appears

appears very plain. For he tells us that the rock on which they ſplit, covered at high-water, which is not applicable to Caſquet; and what is yet plainer, that the diſmal cries and ſhrieks of thoſe who found themſelves periſhing were heard from the ſhore; moreover, that when the tide was down the ſunk ſhip remained dry on the ſands, and the treaſure that was in it was ſaved. All this ſhews that they went not far beyond the harbour, and were loſt on ſome one or other of thoſe many rocks which lie thick about Barfleur, and make the going in and coming out very perillous, as is obſerved by the French coaſters [1], who muſt know the ſame well.

The Prince had very imprudently ordered wine in large quantities to be given to the ſeamen, ſo that they were all drunk when the ſignal was made for ſailing. They let the King go before, boaſting that they would ſoon overtake him, and ſtirred not till it was dark, whereas they could not have too much light to ſee their way through ſo many dangers. The paſſengers themſelves, if not drunk like the ſeamen, were intoxicated with ſomething elſe, for they ſcoffed and laughed at the prieſts and religious men who came on board to pray for a bleſſing on the voyage; inſomuch that a few others more ſerious, diſliking ſuch libertine company, left the ſhip, went back aſhore, and by ſo doing had their lives preſerved. Walſingham [2] reports of this Prince, that he had threatened, if ever he reigned over the Engliſh, he would make them draw at the plough like oxen; ſo early did he betray an hereditary diſpoſition to tyranny and cruelty.

Whatever power time might have to moderate Henry's grief for the loſs of his ſon, it could not cure his ambition. That ſon being no more, for the ſake of whom and of a poſterity he had involved himſelf in ſo much guilt, an opportunity lay now before him to make ſome atonement, by at leaſt reſtoring Normandy to his brother, ſtill living and his priſoner. Or if that poor Prince's blindneſs rendered him unfit to govern, he had a ſon capable of it, to whom right might have been done. But Henry would part with nothing. Still deſirous of an heir, he ſought to obtain him by a ſecond marriage; but in this he was croſſed again by providence; ſo that at his death he left only a legitimate daughter [3], who carried his great eſtates into another family, viz. the Plantagenets of Anjou, and in him the male line of our ancient Norman Dukes was wholly

[1] Petit Flambeau de la Mer. Ch. i. p. 18.

[2] Hic jactitaverat, quod ſi dominium ſuper Anglos aliquando acciperet, eos quaſi boves ad aratrum trahere faceret. Ypodig. Neuſtriæ. ad an. 1120. pag. 37.

[3] Illegitimate children he had many.

extin-

extinguiſhed. Thus was an end put to that race, when through the ambition and unnatural feuds of the Conqueror's ſons, it declined from the juſtice, and mercy, and other princely virtues of its firſt glorious founders.

I have ſaid that Henry left a daughter, in whom the right of ſucceſſion lay, being legitimate. But although ſhe lived to ſee two vacancies of the throne due to her birth, yet through an adverſe fate which ſeemed to purſue Henry's children, ſhe was kept out of it to the laſt. She is known in our hiſtories by the name of the Empreſs Mathilda, or Maud, and was then wife of Jeffrey Plantagenet, Earl of Anjou; but had been ſo before of Henry V. Emperor of Germany, whereby ſhe acquired the title of Empreſs, retained by her ever after. He who diſputed her the throne upon the death of her father, was

Stephen, ſon of a daughter of the Conqueror, and ſo far he prevailed as to get and keep poſſeſſion, though with much contention and trouble, till he alſo died. Then came in her ſon

Henry II. by whom ſhe was again excluded, but whether with, or without her conſent, is no part of my ſubject to inquire. This King in extent of dominion ſurpaſſed all his predeceſſors. For beſides England and Normandy, which came by his mother, he inherited of his father the counties of Anjou, Maine, and Touraine; and by marriage with Eleonor, heireſs of Guyenne (whom Lewis VII. King of France had imprudently put away) that noble Dutchy, with the Earldom of Poictou, and other appurtenances reaching as far as the Pyrenées, came likewiſe into his hands: ſo that he was maſter of well-nigh one half of France, and to him the better and more valuable half, on account of the eaſy communication of thoſe provinces with England by ſea.

In this reign began the declenſion of the Abbey of St. Helier in Jerſey, once the glory of this Iſland. I mentioned before how it was founded by a Norman nobleman, in honour of the Martyr of that name. It ſtood on the ſame plot where now is the Lower Ward of Elizabeth Caſtle, and was, if not a magnificent, yet a handſome fabrick, as one might judge from part of the church yet in being within my remembrance; and if there be truth in the tradition, that all betwixt the Caſtle and the town, which the ſea now overflows, was then rich meadow land, the ſituation muſt needs be very delightful. It was endowed with a good revenue, both in the Iſland and in Normandy. It was filled with Canons Regular of the Order of St. Auguſtin, living under a diſcipline and

government that gave reputation to the Houſe [1]. Such was the ſtate of it when the Empreſs Maud, paſſing from England into Normandy, and meeting with danger at ſea, made a vow that if it pleaſed God to deliver her from the diſtreſs ſhe was in, ſhe would build an Abbey in the place where ſhe ſhould come to land, which proved to be Cherbourg. Mindful of her vow, ſhe ſent for Robert, Abbot of St. Helier in Jerſey, and committed the work to his care, as one well verſed in ſuch affairs [2]. Thus was the Abbey built, and called *de Voto*, from the Empreſs's vow; and in reward of his ſervice, Robert was made the firſt Abbot of it, without relinquiſhing St. Helier: yet ſo that the two houſes remained diſtinct and ſeparate, although they had but one and the ſame ſuperior. And ſo far no harm was done us. But it was ſoon after ſuggeſted, that the endowment of the new Abbey fell ſhort of what was requiſite to ſupport the dignity of a royal foundation, and therefore the King was moved to have St. Helier laid and annexed to it; which was done, to the great prejudice and detriment of the iſland. For whereas before, the whole eſtate of St. Helier (which, ſays Robertus de Monte [3], was *tripliciter ditior*, i. e. thrice richer than the other) had uſed to be conſumed and ſpent within the iſland, the ſame muſt thenceforth be carried over to Cherbourg, after a ſmall portion reſerved for the maintenance of a Prior and a few Canons. And now it muſt no longer be called the Abbey, but the Priory of St. Helier; and on that foot of a Priory it ſtood until the reign of Henry V. when all Priories Alien were ſuppreſſed, both in England and in theſe iſlands [4]. By its being thus made a cell to Cherbourg, it came to be involved in the fate of thoſe houſes, and fell along with them; which could not have been, had it remained an independent Abbey as it was at the firſt. Its ruin would at leaſt have been protracted to the times of Henry VIII. which ſwept away indiſcriminately all ſuch religious foundations. To finiſh this account of the Abbey or Priory of St. Helier, all lands or other poſſeſſions whatſoever belonging to it within the iſland, were ſeized into the King's hands, and are at this day part of the royal domaine. The fabrick mouldered away with time, nothing remaining but the choir of the Church,

[1] Pluribus annis floruit, & Monaſticæ vitæ obſervantiâ, & regularis diſciplinæ exercitio, &c. Neuſtria Pia in S. Helerio, p. 712.

[2] Cum votum ſuum adimplere decreviſſet, de ædificando Monaſterio juxtà Cæſaris-burgum, accito Roberto Sancti Helerii Cœnobiarchâ apud GERSOVANAM Inſulam moras agente, totum illius rei negotium ipſi committit, &c. Id. in Cæſaris-burgo, p. 814.

[3] Walterus Rothomagenſis Archiepiſcopus impetravit a Domino Henrico Rege Anglorum, ut Abbatia Sancti Helerii, quæ eſt in Inſulâ GRISOLII (aliter GERSEII)——jungeretur Abbatiæ de Voto, quæ eſt juxtà Cæſaris-burgum——Erat autem tripliciter ditior, tàm in Normanniâ quàm in Angliâ, quàm Abbatia de Voto, &c. In appendice ad Sigebertum, ad an. 1184.

[4] See hereafter in the Chapter of Religion.

which was kept up for a Chapel to the Caſtle; and even of that there is not a ſtone now left ſtanding, it being demoliſhed to make room for lodgements, and to enlarge the parade.

To Henry II. ſucceeded his ſon

Richard I. i. e. the firſt of the name as King of England, but the fourth as Duke of Normandy. This is the laſt of Engliſh Kings that held Normandy by an allowed and uncontroverted right. For though both he and his predeceſſors were almoſt-perpetually at war with the French, yet the diſpute was not about the title to that Dutchy, but about other matters and incidents, ſuch as frequently happen and beget differences betwixt neighbouring powers. All this while Normandy and theſe iſlands were ſo intimately conjoined, that they made but one. Their intereſts, both civil and religious, were the ſame. Families reſiding in the iſlands had lands and poſſeſſions on the continent, and ſo *vice verſâ*. Briefly it may be ſaid, that in every thing we were as much Normans as the Normans themſelves. But now the time was come when all theſe ties which united us to them, and them to us, muſt be diſſolved, and the iſlands have nothing more to do with Normandy, unleſs in the way of ennemity and hoſtility. What gave occaſion to ſo great a change, and how it was brought about, will appear by what follows.

King John's reign, which comes next, was a long and continued ſcene of war, miſery, and confuſion. But as I am not writing the hiſtory of England, it will be ſufficient for my purpoſe to take notice only of ſo much as affected theſe iſlands in the courſe of that unfortunate adminiſtration. Unfortunate indeed to England, which ſuſtained ſo great loſſes under it; but to us of theſe iſlands rather fortunate and happy in the event. For to it we owe our ſeparation from Normandy, which through the merciful providence of God has turned to our great good. That large and once flouriſhing Province feels now the heavy weight of a French Government, and is known to be the moſt oppreſſed of any in that kingdom. The ſame would our miſerable fate be at this day, were we ſtill attached to it as heretofore, beſides our remaining under the darkneſs of Popery, a greater evil even than the other. Our people are very ſenſible how much better their condition is than that of their neighbours, and behold them with much contempt, who perhaps ſhould rather be pitied.

I muſt now obſerve, that Henry II. had, among other ſons, theſe three following, 1. Richard, who ſucceeded him, as above, and died without lawful iſſue. 2. Jeffrey, who

who died in his father's lifetime, leaving a ſon named Arthur, Duke of Bretagne in right of his mother Conſtantia, heireſs of that Dutchy. 3. John, Earl of Mortain in Normandy. Upon Richard's death, who was killed at the ſiege of a Caſtle in Guyenne, the ſucceſſion devolved of right on Arthur, whoſe father Jeffrey was prior in birth to John. But Arthur was a Minor [1], and John deſpiſing his youth, ſet up for himſelf, and made his way to the throne. Whereupon the Duke's mother, in behalf of her ſon, ſued to Philip Auguſtus King of France for protection and ſuccour; who ſeemingly entering into ſo juſt a quarrel, fell upon Normandy with all his forces. But a generous and diſintereſted aſſiſtance of an ally in diſtreſs, never was a French virtue. Philip made it ſoon appear by his whole conduct, that he meant only to fiſh in thoſe troubled waters, and under colour of ſupporting the Duke, promote his own affairs; in plain words, to keep for himſelf what he could recover from John under the other's name. But to wave that, Arthur being grown up to an age fit for action [2], exceedingly beloved, and giving great hopes of him on account of his many excellent qualities [3], actually inveſted of the Dutchy of Bretagne by the demiſe of his mother [4], owned and acknowledged for their only rightful Prince by the greater part of the nobility of thoſe Provinces along the Loire which were the patrimony of the Houſe of Anjou, began to make a figure, and to appear in a capacity of freeing himſelf from oppreſſion, and aſſerting his right. But theſe fair beginnings proved illuſory, and of ſhort duration. For while he lay too ſecure at Mirebeau, a ſtrong place in Poictou which he had lately reduced, King John, by a quick and ſudden march out of Normandy, came unexpectedly upon him, retook the town, and (which was moſt deplorable) got him, even the unhappy Prince himſelf, into his power. There is no doubt but from that moment the cruel reſolution was taken to ſend him out of the world. But John durſt not go about it, whilſt his mother Eleonor, relict of Henry II. was living [5], who could not be

[1] About twelve years of age.

[2] About ſixteen.

[3] C'etoit un beau & jeune Prince, & de belle eſperance, au quel on voyoit desja s'eſpandre la Semence de Vertu, &c. D'Argentré Hiſt. de Bretagne. Liv. iii. Ch. lxxv. fol. 209. verſo.

[4] Polydor Vergil, and others, ſpeak of her as outliving her ſon, and bring her in as a ſupplicant to Philip Auguſtus, for juſtice againſt King John his murderer. But D'Argentré, beſt acquainted with the affairs of Bretagne, is expreſs to the contrary; and mentions it as a happineſs of the good lady, that by dying the year before ſhe was put out of the reach of that cruel Stroke. Son heur fut qu'elle ne vid point la mort & parricide de ſon fils, qui fut tué puis ſon treſpas, la ſuivante année. Ut ſup. Ch. lxxvii. fol. 210. verſo.

[5] Some place the death of Arthur before that of Eleonor, but I chuſe to follow the beſt hiſtorians who relate it otherwiſe. Joannes, quoad vixit mater Leonora, nihil durius in Arcturum conſtituit (ſays Paulus Æmylius) eâ pro illo deprecatrice. Vixdum circumacto anno defunctâ, adoleſcentem necavit, Lib. VI. in Phil. Aug. To the ſame purpoſe ſpeaks Mezeray.

pleaſed

pleaſed with ſhedding the blood of her grandſon, though ſhe had been the chief agent in putting him by from the Crown. In the mean time, Arthur was laid under ſafe cuſtody in the Caſtle of Roüen, there to wait his fate. It was not long ere the old Queen died, and then his turn quickly came to go after her, but by what kind or manner of death was variouſly given out. Sometimes it was ſaid, that he died in his priſon, of mere grief and anguiſh of mind: at other times, that endeavouring to eſcape by ſwimming over the Seine, which runs under the Caſtle-walls, he periſhed in that river. And no wonder if thoſe and other like reports were raiſed, on purpoſe to divert the attention of men from the true author of his death. Thoſe writers who moſt favour King John, are forced to confeſs that he was *diffamatus* [1], to uſe their own word, i. e. charged by common fame with the murder of his nephew. But D'Argentré is poſitive in the matter, and roundly calls them *menteurs*, i. e. liars and ſycophants, who went about to clear the guilty King; and is particularly angry with Matthew Paris, for ſaying only of the Prince *ſubitò evanuit*, i. e. he vaniſhed, or diſappeared on the ſudden, as though he had ſunk into the earth. The relation which he himſelf gives is indeed very tragical. John, ſaith he, [2] leading his nephew after him, as a lamb to the ſlaughter, brought him from Roûen to Cherbourg, for more privacy and better opportunities to diſpatch him. There one day, late in the evening, followed only by a few, he got on horſeback, making the Prince ride before him. Then leaving his attendants behind, he went on along the coaſt till he had found a place fit for his purpoſe, which was a high cliff hanging over the ſea. Being got there with the Prince, he ſpurred his horſe up to him, and with his ſword ran him through the body, the poor Prince crying in vain for mercy. That done, he pulled him to the ground, and dragging him by the feet to the brink of the precipice, flung him to the bottom in the water, not being yet quite dead, nor was the body ever ſeen afterwards. On the authority of ſo grave an hiſtorian, I venture to ſpeak more affirmatively now, and with greater aſſurance, concerning this

[1] Erat Arthurus Britonum Comes, quem Johannes Anglus cum cœpiſſet, eum occidiſſe DIFFAMATUS eſt. Gaguin. de Franc. geſt. Lib. V. in Philippo Aug. Arthurus Rothomagi moritur, de cujus morte Regem Johannem quidam ejus æmuli INFAMAVERUNT. Walſing. Ypod. Neuſtriæ, p. 51.

[2] Le Duc Artur eſtant priſonnier de Jean Sans-terre, il le fit tranſporter de Falaize a Roûen, deliberé de s'en depeſcher, comme il fiſt, le menant par tout ou il alloit, comme l'aigneau a la boucherie. De Roûen il s'en alla a Cherbourg, pour eſtre plus a recoy; ou un ſoir aſſez tard il ſe miſt a cheval, & ce jeune Prince devant luy; & laiſſant arriere ce qu'il avoit de gens, commença a marcher ſur la rive, juſques a ce qu'il euſt choiſi un endroit d'un haut rocher regardant ſur la mer; approchant ſequel il donna un coup d'eſperon a ſon Cheval, & d'un coup d'eſtoc perça le Corps du Duc Artur, criant mercy; puis l'ayant jette par terre, le tira par un pied, & le jetta du haut du rocher en la mer, demy-mort, ny ne peut le Corps eſtre retrouvé. Ut ſup. Ch. lxxv. fol. 209.

moſt wicked fact, than I did in the firſt edition of my book, where I left it as doubtful and uncertain. Having moreover been twice at Cherbourg, and retaining ſtill a remembrance of the coaſt and cliffs about it, every thing there appears to me to agree with his narration.

When the news came into Bretagne of the death of their young Duke, and by what hand the barbarous deed was committed, horror and indignation filled every breaſt[1]. A General Aſſembly was called to meet at Vennes where they unanimouſly joined in an earneſt petition to Philip Auguſtus to do juſtice upon the murderer, who (they ſaid) was accountable to him as his vaſſal and feudatory. Thoſe of Anjou, Poictou, &c. came in alſo with the like addreſſes. This was exactly what Philip wanted, and encouraged underhand. For as it flattered his pride to have a King of England cited to ſtand at his bar under the ignominious circumſtances of a criminal, ſo he well underſtood how great a gainer he ſhould be by all thoſe vaſt forfeitures which John's condemnation would bring in to him. Nor was he in pain about the event of a war, by reaſon that to purſue ſo foul a murder with juſt and deſerved vengeance, would not look like other wars kindled by ambition, but rather like a ſort of holy war, which all men would favour and wiſh well to. And though in all this affair, he acted only out of private and ſelfiſh views of his own, he knew how to conceal thoſe under the ſpecious ſhew of doing right to the injured. Not to ſay that Kings, for the moſt part, ſo they obtain their ends, ſeldom trouble themſelves with what the world thinks of them and their actions. And now the proſecution went on with all the formalities of a legal trial[2]. Thrice John was ſummoned to appear perſonally before Philip in his High Court of Parliament, and there anſwer to the charge of felony exhibited againſt him; to which refuſing to ſubmit, as unſafe for his perſon, and injurious to his kingly dignity, judgement paſſed upon him for contumacy and parricide, and all his great eſtates in France were ordered to be ſeized and reunited to that Crown, as being forfeited by his attainder. Philip, at the ſame time, was prayed to execute the ſentence[3], which he no doubt was very ready to do. How far this proceeding was according to juſtice, is not for me to determine. I conſider it only as it is fact, and now paſs to relate what followed upon it.

Philip

[1] D'Argentré ut ſup. Ch. lxxviii. fol. 211.

[2] Bouchet Annales d'Aquitane, Part III. Ch. vi. p. 161.

[3] Of which Paulus Æmylius gives this extract. Anglus infidelitatis ſceleriſque damnatur, quòd immemor Sacramenti Francis dicti, filium majoris fratris, beneficiarium Francorum, in finibus qui juris Francorum eſſent, neque legibus quæſtione habitâ, neque cognoſcentibus iis quorum hæ partes forent, patruus occidiſſet.

Hoſtis

Philip had nothing ſo much at heart as to recover Normandy, which, ever ſince it had been alienated, had given more trouble and uneaſineſs to France, than all her other neighbours together. He reſolved therefore to begin the attack, and bend his greateſt efforts on that ſide. And here we have in King John a famous inſtance, how wretchedly weak a Prince is who has loſt his beſt ſupport, the love of his people. The Normans had not yet degenerated from their ancient valour. None were better trained up in arms, through an almoſt continual uſe of them againſt the French. They hated that nation as their old enemies, with whom they had had many bloody encounters during the run of ſeveral hundreds of years. Notwithſtanding all which, they now ſuffered themſelves to be made an eaſy conqueſt by Philip [z], in pure diſaffection to John. Some towns ſtood out a while, and Roûen the longeſt; but others opened their gates voluntarily, and received a King of France, that is to ſay, an enemy, within their walls, with acclamations of joy, as their protector and deliverer. So ſtrange and ſo ſudden a turn in the minds of a people, could proceed only from that general deteſtation and abhorrence which John's unnatural crime had drawn upon him. But perhaps after all, the Normans had done more wiſely, to have conſidered that John was not immortal; and in the mean time to have at all events adhered to him, how undeſerving ſoever, in order to maintain their ancient liberties and government; rather than ſubmit to a power, which, to prevent all future moleſtation from them, would be ſure to keep them low, and break their ſpirits with oppreſſion, as in fact it has happened. Thus was Normandy loſt to England, one hundred thirty-ſeven years after William the Conqueror had brought them two to be under one head, and was made again a Province to France, three hundred and twelve years after it had been erected into a ſeparate State in favour of Rollo and his ſucceſſors; and all this done with fewer difficulties, and in leſs time, than Philip himſelf, however ſanguine in his hopes, could reaſonably have expected.

Who now would imagine that the French ſhould meet with greater oppoſition in theſe iſlands, upon which they fell next, than they had found on the continent? For what were we, in compariſon of a noble Province, full of ſtrong Caſtles, and well-

Hoſtis igitur Francorum judicatur; conſtitutumque eum videri excidiſſe jure Urbium finiumque quos beneficii nomine a Francis accepiſſet; eaque omnia in priſtinam cauſam reſtituta, & ad jus ſolidum Regis revertiſſe; in eorumque poſſeſſionem, ſi quis prohibeat, armis eundum. Ut ſup.

[z] Normanni a fidelitate Regis deſciſcentes, Regiſque Francorum favorem quærentes, Civitates & Caſtra commiſſa ſuæ cuſtodiæ, ſine ullâ reſiſtentiâ reddiderunt, &c. Walſingh. Ypod. Neuſt. p. 52. Maſſeville Hiſt. Somm. de Normand. Part II. p. 127. &c.

fenced Cities, each of which might have ſtopped a royal army many months, as ſeveral of them had actually done in former wars? Is it, that we were a braver people than our Fellow-Normans? We cannot ſay that without rendering ourſelves ridiculous, neither would it be true. For it was not for want of courage and bravery, as was hinted before, that the Normans made no better reſiſtance, but out of averſion to the perſon of their king [1]. What was it then, that kept our people from being carried along with the ſtream, and following others in ſo general a defection? That which moſt readily occurs is this, viz. that uſing the ſea more than the other Normans on the continent, and making frequent voyages to England (where ever ſince Duke William's conqueſt of that kingdom, the ports had at all times been free and open to them) they became better acquainted with the Engliſh, and by much and long intercourſe had contracted a ſtrong liking and inclination to them and their manners; ſo that when things came to that paſs, that they muſt abſolutely declare themſelves French or Engliſh, they preferred the latter as the more eligible condition. But ſtill it will be aſked, what proſpect, what probable hope had they, or could they have, of being able to withſtand a power ſo vaſtly ſuperior to them? Did they think they were a match for France? Would not a raſh and fruitleſs oppoſition ſerve only to aggravate their misfortunes? There is no anſwering theſe and other like queſtions, but by reſolving all into a kind and favourable providence, which graciouſly intending to preſerve theſe iſlands, both then and in aftertime, from ſlavery and ſuperſtition, inſpired our people with the bold reſolution of manfully defending themſelves, and was pleaſed to bleſs that reſolution with ſucceſs.

So long as theſe iſlands remained under the covert and ſhelter of Normandy, they ſeem to have ſtood in no great need of fortifications, unleſs perhaps againſt the Bretons, with whom the Normans had frequent conteſts. But the great ſuperiority of theſe made thoſe leſs feared. And as to any danger from the wars with France, there could be little, or none, the ſcene of thoſe wars being moſtly in the Upper-Normandy [2], and upon the frontier, and conſequently diſtant from us. The French could not come at us but by firſt taking in the Lower-Normandy, and advancing their conqueſts to the ſea coaſt, as they now did. Not that the iſlands were wholly naked and defenceleſs, it being certain that in Jerſey Gouray Caſtle (for example) ſince called Mont Orgueil, was already then, and had been long before, a conſiderable fortreſs; to ſay nothing of

[1] Odiis hominum, armiſque Auguſti, Joannes impar—&c. Paul. Æmyl. ut ſup.

[2] Normandy is divided into the Upper and Lower, each ſub-divided into ſeveral Baliwicks. Roûen is the head of the former, as likewiſe of the whole Dutchy; Caen, of the latter. The iſlands are on the coaſt of the Lower-Normandy.

Groſnéz Caſtle, which alſo was a place of ſtrength, and ſo poſſibly were ſome others. But ſure it is, that the ports and landing places had been left too much expoſed to deſcents, which gave opportunity to the French to gain entrance into the iſlands. Nevertheleſs, though they ſo far prevailed at that time, they could not keep their ground. They were beaten out again, and forced to retire with loſs. They came a ſecond time, yet neither then could they maintain themſelves againſt a people reſolved to periſh rather than fall under their power. At the pleas holden before the itinerant judges ſent to Jerſey in Edward the Second's reign, it was ſet forth by William Demareys [1], the King's advocate, that a certain King of France (meaning Philip Auguſtus) had diſinherited John King of England of the Dutchy of Normandy, and had alſo twice ejected him out of theſe iſlands, &c. But that the ſaid King John had twice re-conquered the ſaid iſlands [2], &c. This was ſpoken after the uſual manner of complimenting Princes, to whom victories and ſucceſſes are aſcribed in which they ſeldom have any perſonal ſhare. For it was not until the iſlands had made that brave ſtand now mentioned, that King John exerted himſelf in their behalf, and then indeed he did it warmly and vigorouſly. No ſooner was he apprized of the hazard they ran of being overpowered, and born down at laſt, ſhould the French return with a greater force, but he, not thinking it enough to ſend over the neceſſary ſuccours, haſtened himſelf in perſon to animate the people, and keep up their courage by his preſence amongſt them. Wherein he behaved ſo differently from the reſt of his conduct at that memorable juncture, that 'tis matter of juſt aſtoniſhment. For all writers take notice of his prodigious and almoſt incredible indolence under all his great loſſes. Whilſt hardly a day paſſed without bringing him intelligence of ſome of his caſtles or towns taken by Philip, he ſtood like one in a lethargy, ſtirring neither hand nor foot, unmoved and unconcerned at all that happened. Neither the reproaches and upbraidings of the Engliſh, nor the loud calls and cries of thoſe Normans who yet ſtuck to him, could awake him out of his inſenſibility, and put him upon action. Let the fate of Roûen be brought in for inſtance.

[1] Otherwiſe written Dumareſq, in Latin De Mariſco. 'Tis one of the beſt, ancienteſt, and moſt numerous families in the iſland; and I think myſelf much honoured in the relation I have to it by my deceaſed mother.

[2] Rot. Placit. coram Johanne de Freſſingfield, &c. Juſticiar. Itiner. in Inſul. An. 2. Ed. 2. Guliel-mus Demareys qui ſequitur pro Domino Rege, allegat quod quidam Rex Franciæ exhereditavit Dominum Johannem Regem Angliæ de Ducatu Normanniæ; & tunc idem Rex Franciæ per duas vices ejecerat prædictum Dominum Johannem Regem, &c. de his Inſulis, & illas occupaverat tanquàm annexas prædicto Ducatui; & prædictus Dominus Johannes Rex vi armatâ per binas vices reconqueſtavit has Inſulas ſuper ipſum Regem Franciæ; & à ſecundo Conqueſto ſuo, ipſe & poſteri ſui Reges Angliæ Inſulas iſtas tenuerunt hucuſque, &c.

That great and populous city, by having been the court and reſidence of the Norman Dukes, had acquired the dignity of a capital, from which it muſt look to be degraded by returning under the French. That, with other reaſons, made it retain an inclination for John, and reſolve to abide a ſiege, in hope of relief from him in caſe of need. But when the town, reduced to extremity, ſent to him for aſſiſtance, the deputies could hardly obtain a hearing, and then were diſmiſſed with this ſhort anſwer, that he could not help them, and they muſt ſhift for themſelves as well as they could [1]. They found him playing at cheſs, intent only on his pleaſures and diverſions, and at their return made ſuch a report of his neglect and ſupineſs, that the town immediately capitulated. Now, is it not wonderful, that this very ſame Prince ſhould on the ſudden rouze himſelf up, ſhake off his ſloth, and fly to the aid of a few ſmall iſlands, who till then had looked on the loſs of whole provinces with the greateſt coldneſs and indifference? He might indeed have ſome kindneſs for theſe iſlands, as they had been part of his appanage before he was King. For as ſuch they were given him by his brother and predeceſſor Richard I. with other lands in England and Normandy. But ſurely that could not work him up to ſuch a pitch of zeal and concern for us, which was like putting life into a dead man. And what then muſt we think of this? How ſhall we account for it? It can be done no otherwiſe but by recurring again to a ſpecial providence that watched for the ſafety of theſe iſlands, and conſidering John only as the miniſter of that providence. Had he acted of himſelf, all the rules of human prudence would have led him to neglect us, that he might attend to other parts, which wanted him no leſs, and were of far greater moment to him than we. For though we would not be thought ſo inconſiderable as to deſerve no regard to be had to us, we have not the preſumption to fancy ourſelves of equal importance with dominions and territories like thoſe which this unhappy Prince ſo meanly ſuffered to be torn and wreſted from him. Therefore I conclude that it was purely for our ſakes, and for our preſervation, that ſuch a ſpirit was put into him; and am bold to ſay, that few Places have been ſo evidently the care of heaven as theſe iſlands.

What I chiefly aim at in dwelling and inſiſting ſo much on this, is to ſtir up in the preſent inhabitants of theſe iſlands, my loving countrymen, a juſt and grateful ſenſe of ſo viſible a protection from above; and remind them of taking care that they render not themſelves unworthy of the continuance of it, by indulging ſins and vices which provoke God to forſake a people. 'Tis true, that the great deliverance in this reign was wrought

[1] Chron. de Norm. Ch. lvii. Maſſeville Hiſt. Somm. Part II. p. 133. Vid. Gaguin. Lib. VI. in Philippo Aug. Polyd. Vergil. Lib. XV. in Joanne.

for

for our fathers more than 500 years ago; but 'tis no leſs true, that the ſame deliverance, in the iſſue and conſequences of it, reaches down to us alſo, their late and diſtant poſterity; with the farther addition of a bleſſing which they had not the happineſs to enjoy, viz. the profeſſion of the true religion. For thoſe our fathers lived before the days of the reformation, and all they could in their time, and in their circumſtances, be concerned to ſtruggle and contend for, was only the maintenance of their temporal rights and liberties. They and the French had the ſame religion and worſhip. So that, upon ſuppoſition of their having been giving up into the hands of the latter, they would in that reſpect have been in no worſe condition than they were before. But then, upon the ſame ſuppoſition, what muſt have become of us their children? 'Tis plain that all the inheritance they could have left us, muſt have been Popery and wooden ſhoes, the wretched lot and portion of our Neighhour-Normans, in their preſent ſtate under the French.

To return to King John, whom we have left in the iſlands, he could not but be much pleaſed with a people that had behaved ſo well, and accordingly was very liberal of his favours to them. He viſited the iſlands with great care, viewed thoſe weaker places which had let in the French, and cauſed the ſame to be fortified. He appointed proper officers, under the name of Wardens, or Keepers, to have a watchful eye over the ports and harbours [1], ſo that none ſuſpected to come with an hoſtile intention might be ſuffered to land. And having provided for the military defence, he next took into conſideration the civil ſtate of the iſlands. He ſet us free from all foreign dependances, and ſettled us upon our own bottom. Matters that in the laſt reſort uſed to be carried to the Duke's Eſchiquier [2] in Normandy, he drew to himſelf and his Council in England. All others he left to be determined within our own ſelves by a Royal Court, which he inſtituted in each of the two principal iſlands, Jerſey and Guernezey [3]. He gave us a body of conſtitutions, which have been the foundation of all our franchiſes and immunities to this day, and may not improperly be called our Magna Charta, like that of England, and prior in time to it. See thoſe conſtitutions

[1] Statutum eſt pro tuitione & ſalvatione Inſularum & Caſtrorum, & maximè quia Inſulæ propè ſunt & juxtà poteſtatem Regis Franciæ, & aliorum inimicorum noſtrorum (theſe were the Bretons) quod omnes Portus Inſularum benè cuſtodiantur; & Cuſtodes Portuum Dominus Rex conſtituere præcepit, ne damna ſibi & ſuis eveniant, Conſtit. Johannis Regis. Artic. xviii.

[2] This was the Supreme Court of Normandy, wherein the Duke ſat in perſon, with the Prelates, Barons, &c. At firſt ambulatory, but afterwards made ſedentary at Roûen, Lewis XII. King of France converted it into a Parliament, an. 1499. Vid. Terrien. Liv. xv. p. 635.

[3] Under Guernezey are compriſed the two leſſer iſlands of Sark and Alderney.

im

in the Appendix, Numb. I. I do not ſuppoſe that all theſe things were done at once, and at the King's firſt going to the iſlands. The framing of the conſtitutions, and adapting them to our laws, to which he would not derogate, required ſome deliberation. But I find him again in Jerſey [1], in the fifteenth year of his reign, i. e. three years only before his death; which I take for a further proof of his care to us, continued to the laſt, and from which even the troubles he was then under by the rebellion of his Barons could not divert him.

Here when I reflect on the great obligations we have to this King, and how well he deſerved of us, it grieves me that I cannot allow myſelf to ſpeak of him, conſiſtently with truth, in terms which might teſtify our gratitude, and do honour to his memory. But his faults in government, and vices in private life, were ſo flagrant and notorious, that they can in no wiſe be excuſed or palliated. Unhappy Prince! So ſtained with guilt, and ſunk in fame, that even they to whom he was the greateſt benefactor, muſt be aſhamed to open their mouths in his commendation. All that can truly be ſaid of him, is, that he was the inſtrument of providence for our good.

I obſerved before that while Normandy and theſe iſlands went together, ſome gentlemen had poſſeſſions in both. This now was grown impracticable, each of the two angry Kings threatening to ſeize the lands of thoſe who did not inſtantly withdraw from under the obedience of his enemy, and join themſelves to him. And as it was very natural, ſo the practice generally ran for gentlemen to ſtick to that ſide where they had moſt to loſe. Thus in Jerſey proclamation being made for the *Seigneurs de Paiſnel, d'Orville, Pinel, Commendes, d'Auneville, du Fourmet, d'Orglandres,* &c. to repair to the iſland under pain of confiſcation and rebellion, and the main bulk of their eſtates lying in Normandy, 'tis no wonder if ſeeing they muſt be loſers ſomewhere, they choſe to be ſo where their effects were leſs conſiderable. On the other hand, the *Seigneur de St. Oüen,* of the name and family of Carteret, poſtponing all views of intereſt to thoſe of duty and honour, and remaining unmoveably fixed in his allegiance to England, had his Lordſhips of Carteret [2], Angeville, and diverſe others [3], which he held in Normandy, and were his ancient patrimony, taken from him, and made forfeitures,

[1] Daniel's Life of King John, in the Complete Hiſtory, &c. Vol. I. p. 165. See alſo Rapin, in the ſame Life.

[2] From this the family takes its name. It is a ſmall town on the ſea-coaſt of the Lower-Normandy, betwixt Cherbourg and Coutance, North-Eaſt of Jerſey. I find it placed very right in Mr. Senex's Map of France.

[3] —— Et pluſieurs autres. Chronique MSS. de l'Iſle de Jerſey, Ch. iv.

whereby

whereby none loſt and ſuffered ſo much as he; thoſe Lordſhips and lands in Normandy much exceeding in value his Jerſey eſtate. Of the merit and ſignal ſervices of this family to the Crown of England, in maintaining its rights, and aſſerting its intereſt in theſe iſlands, under all turns and changes, ſome of them diſcouraging enough, the following ſheets will afford further inſtances.

I have enlarged on this reign greatly beyond the former, it having been of all others the moſt trying and critical reign with us. It was that which rent and ſevered us from Normandy, our mother-country, once a land of brethren and friends, but now of enemies, for ſuch to us the Normans became by their coalition with the French; and the more dangerous enemies for their being ſo near us, and as it were at our doors. Therefore when hereafter I ſpeak of the French, and of their hoſtilities againſt theſe iſlands, I would be underſtood to include the Normans with them, as no leſs adverſe to us than they, ſince our ſeparation from them. But, to make us amends, in this reign alſo it was, that we had the honour to be taken into a nearer relation to England than before, ſomething like an adoption, the more grateful to us as it made no material alteration in our conſtitution. From being mere Engliſh ſubjects, we then came to be reputed Engliſhmen [1]; and we are proud of the name, yet reckon it a happineſs to be ſuffered to live under our own laws, and enjoy our ancient uſages, though it muſt neceſſarily keep a ſort of diſtinction betwixt the ſtrictly Engliſh and us. Some writers [2] not well acquainted with our affairs, have ſo made us one with England as to lay us within a particular county, viz. Hampſhire. But this is a great miſtake. Hampſhire indeed is one of the neareſt counties to us [3], whoſe ports we moſtly frequent for commerce. On any other account, we have as little to do with it as with Northumberland, the remoteſt from us. In ſhort, theſe iſlands are properly a peculiar of the Crown of England; and as in England the Legiſlature is the Sovereign with his two Houſes of Parliament, ſo here 'tis the ſame Sovereign with his moſt honourable Privy Council.

By this time I ſuppoſe the reader is pretty well informed of what we have gone through, to come at our preſent ſettlement. It remains to ſpeak of the vain attempts made by the French in the ſucceeding reigns to break in upon us, which will not require ſo long a deduction as the preceding tranſactions.

[1] The French themſelves learnt to call theſe Iſlands Les Iſles Angloiſes, i. e. the Engliſh Iſlands.
[2] Hollingſhead in his deſcription of Britain, p. 32, followed by others.
[3] Portland in Dorſetſhire is the neareſt part of the continent of England to us.

Henry

Henry III. ſon of King John, loſt his father being himſelf but ten years old, which proved happy for him and the kingdom, contrary to the more uſual fate of minorities. The quarrel betwixt John and his Barons had riſen to ſuch a height, that they had ſet up Lewis, ſon of Philip Auguſtus, againſt him. At their invitation the Prince came over, and a cruel war enſued in the bowels of the kingdom. But the King dying, the ſame Barons, in pity to the youth and innocence of his children, returned to their duty, and fell off from Lewis; who not willing to let go his hold, ſent for a reinforcement from France. Thoſe troops were met at ſea, and defeated; which obliged Lewis to drop his pretenſions, and retire. The chief commander of the fleet which did that good ſervice, was Philip de Aubigny [1], Lord, (for ſuch then was the title) i. e. Governor of theſe iſlands; and the fleet conſiſted of the ſhipping of the cinque-ports, with ſuch additional ſtrength as the iſlands could bring. I confeſs I have no direct authority for the laſt particular, but it muſt be for that, or for ſome other action of no leſs merit with him, that Henry ſome years after, under an apprehenſion of danger to the iſlands, iſſued forth his royal mandate to the Barons of the cinque-ports, to go to their aſſiſtance upon the firſt notice from the Governor; adding for a reaſon of ſuch his care of them, that they had deſerved well of him, and he owed them both commendation and thanks [2]. The ſame regard he tetained for them ſo long as he lived. For albeit the troubles he met with in the after-courſe of his reign drew him into a diſhonourable treaty with France, by which he yielded up Normandy [3] to that Crown upon very unequal conſiderations, he never would, nor did, make ceſſion of theſe iſlands. The French on the other ſide, though the ſaid treaty was wholly in their favour and to their advantage, could not yet reſt ſatisfied with it. Still they were uneaſy to ſee theſe iſlands in Engliſh hands. Wherefore in the very next reign, which was that of

Edward I. they made a freſh aſſault upon them, in which they ſucceeded no better than in the former. The people ſtood ſtoutly on their defence, and drove back thoſe invaders. There is ſtill to be ſeen remaining upon record [4] the proviſion that was made, by order from the King, for the widows and orphans of ſuch of the inhabitants as were

[1] Mat. Pariſ. Hiſt. add ann. 1217. Edit. Wats. p. 250. Daniel's Life of Hen. III. in Compl. Hiſt. p. 171. Another great commander in this fleet was Hubert de Burgh, Governor of Dover Caſtle.

[2] Mandatum eſt Baronibus de Quinque-Portibus, quod ſi opus habuerit (Ricardus Grey Cuſtos Inſularum) & illud eis ſcire fecerit, in ejus auxilium veniant; ita quod Dominus Rex eos, (viz. Inſulanos) meritò debet commendare, cum gratiarum actione. Teſte Rege apud Weſtm. 16 die Maii. An. Regni. x.

[3] That is to ſay, his right and claim to Normandy, for the French were already in poſſeſſion.

[4] Brevia facta de petitionibus hominum GERES. & Gerneſ. retornatis in Conſilio in autumpno An. regni Regis Ed. XXIII°. Vid. Ryley's Placita Parliamentaria in Appendice, p. 469.

ſlain

ſlain in the conflict thay had with the enemy; with gratifications to others that had ſignalized themſelves, or ſuſtained any conſiderable loſs, on that occaſion; which gratifications were extended to ſome of the clergy [1], who in theſe iſlands have always been examples to the reſt of zeal and affection to the Engliſh Government.

Edward II. was ſo nearly allied to France, by his marrying Iſabel, daughter of one, and ſiſter of three of their Kings, that in his time there was peace betwixt the two Crowns, and we alſo ceaſed to be moleſted from that quarter. But we could hardly have ſuffered more from a French invaſion, than we did from the unhappy adminiſtration of affairs in this reign. The commotions in England occaſioned by it are well known. Our particular grievance was, an open violation of all our moſt valuable rights, by the Judges of Aſſize coming to the iſlands, and bringing innumerable vexations upon the inhabitants. Not only public privileges, and public grants, but private inheritances and properties were called in queſtion. No man was ſecure of ought he poſſeſſed. There was no end of plying us with *quo warrantos*. And as if it had not been enough to be thus perſecuted at home, the poor people for further trouble were remitted to a long and chargeable attendance on the Courts at Weſtminſter, directly contrary to our fundamental Conſtitution, which exempted us from the power and juriſdiction of thoſe Courts. The conſequence of ſuch uſage muſt have been the depopulating of the iſlands, and thereby laying them open to the French. But after ſome years ſuffering, and under a better reign, viz. that of Edward III. upon a petition of the two chief iſlands, ſtill to be ſeen in the Treaſury at Weſtminſter [2], that horrid juſtice was ſuperſeded, and we were reſtored to our former freedom and independence.

Edward III.'s purſuit of his claim to the Crown of France by arms, brought our old enemies again upon us, who gave us ſeveral unwelcome viſits during that famous controverſy. Philip de Valois, to whom the ſtates of that kingdom had adjudged the ſucceſſion, preventing his competitor, had prepared and equipt a powerful navy [3], which he now ſent under three Admirals, Hugh Queriel, Bahuchet, and another, to cruiſe in

[1] Edwardus, &c. dilecto & fideli ſuo Henrico de Cobham Cuſtodi Inſular. de Gerneſeye & Gerssey, & ejus Locum tenenti, Salutem. Quia accepimus quod Eccleſia S. Elerii in Inſula de Gersey vacat ad preſens per mortem Nicholia de Ponte, quon dam, perſone ejuſdem Eccleſie, & nos Ranulphum filium Petri Maret clericum, quia gravia & diverſa dampna ſuſtinuit, per conflictum nuper habitum in predicta Inſula, inter homines ejuſdem Inſule & quoſdam alienigenas inimicos noſtros, gracioſe proſequi volentes, vobis mandamus quod eidem Ranulpho Eccleſiam—præ aliis—conferatis. T. meipſo. ap. Weſtm. 29. die Aug. An. Regni noſtri xxiii. Vid. Ryley ut ſup.

[2] Mich. 6. E. 3.

[3] Chronique de Froiſſart. Vol. I. Ch. xxxvi & xxxviii.

the channel, and (if poſſible) keep Edward at home upon the defenſive, inſtead of his aiming at conqueſts abroad. Then was the coaſt of England grievouſly ſpoiled and annoyed by the enemy, the rich trading town of Southampton ſacked and plundered by them, and theſe iſlands more furiouſly ſet upon than ever they had been before. Inſomuch that Guernſey fell into their hands, the ſtrong Caſtle of Cornet (till that time thought impregnable) not excepted. They fared not ſo well in Jerſey, being repulſed before Mont-Orgueil Caſtle [1], yet did a great deal of damage to the open country. In one of the attacks upon the Caſtle, the brave Governor, Droûet (or Drogo) de Barentin [2], Seigneur de Roſel, was killed; but his place was ſupplied by Renaud de Carteret, a gentleman of equal courage and valour [3].

Theſe inſults of the French alarmed the Parliament in England, and drew a repreſentation from it to the King, to keep the ſea, and to purvey for the navy, and to defend the Iſles of Jerſey and Guernſey [4], the good effect of which was ſeen ſoon after. For the very next year, that mighty fleet, conſiſting of no leſs than a hundred and twenty capital ſhips, beſides two or three hundred others of leſs burthen, and carrying forty thouſand men, Normans, Bretons, Genoeſe, &c. *toutes gens de fait & de mer*, as Froiſſart ſpeaks [5], i. e. all reſolute fellows and uſed to the ſea, was ſo intirely broken and defeated by the Engliſh, that perhaps there never was a naval victory ſo complete as that. The deſign of Edward was to land at Sluys, in order to join his allies, the Flemings, Brabantines, and others, and with them to enter France on the ſide of Picardy. The French having intelligence of it, went and poſted themſelves before that harbour to intercept him. And though they were ſo much ſuperior to the Engliſh, it did not deter Edward from attacking them, and forcing his way through them, with ſo terrible a ſlaughter of the men, that according to Froiſſart (who is very particular in deſcribing the fight) not one eſcaped being either killed or drowned [6]. This no doubt is exaggerated. But the French writers themſelves own ten thouſand killed, and the like number

[1] So called here by anticipation. The name it went then by was Le Chaſteau de Gouray. See hereafter in Henry V.

[2] Once a prime family in Jerſey, but now quite extinct.

[3] Ex MSS.

[4] Sir Robert Cotton's Abridgement of the Records in the Tower, p. 29.

[5] Chronique, Vol. I. Ch. li.

[6] Et furent les Normans, & tous les autres François, deſconfits, morts, & noyés; & oncques pied n'en eſchappa, que tous ne fuſſent mis a mort, Id. ibid. ☞ It ſeems that Froiſſart ſhould be a diſintereſted writer, as he was neither an Engliſhman nor a Frenchman, but of Valenciennes in Hainault. Nevertheleſs Gaguin accuſes him of partiality to the Engliſh, Compend. Lib. VIII. in Philip Valeſio.

taken priſoners [1], which is as much extenuated on their ſide. Thus was the evil which that fleet had done to England, and to theſe iſlands, repaid with uſury.

All this while the French were maſters of Guernſey, and held it three whole years. And though it was happy for Jerſey to have got rid of them, as was ſaid above, it could not but be deeply concerned at the misfortune and calamity of its ſiſter-iſland, without reſcuing of which it very well underſtood its own ſafety would always be precarious. For ſuch is the ſite and nature of theſe iſlands, that the ſame fate muſt ever attend them, and the loſs of one (I ſpeak of the two principal) will neceſſarily ſooner or later draw the loſs of all the reſt after it. The deliverance of Guernſey was too great an enterprize for thoſe of Jerſey to go upon, on their own ſtrength alone. But hearing of a fleet ready to ſail from England with recruits for the King, and of orders given to the commanders Reynold de Cobham and Jeffrey de Harcourt, to attempt in their way the recovery of the captive iſland, they raiſed a contribution of ſix thouſand four hundred marks [2] for that ſervice, went out and joined the fleet, and aſſiſted in retaking both the iſland and the caſtle; many Jerſey men of note loſing honourably their lives on that occaſion, as the Sieurs de Vincheléz, de Matravers, des Augrez, de Garis, de la Hougue, Lempriere, and other leaders ſpecially named, beſides private adventurers [3].

The victory before Sluys was but the prelude to thoſe many great actions which followed in the progreſs of this war, and gained ſo much glory to Edward. For more than twenty years together, hiſtory ſcarce ſpeaks of ought elſe but of his triumphs and amazing ſucceſſes. Thoſe alſo were times of reſt and quiet to theſe iſlands, the French being in no condition to give them any diſturbance. In thoſe happier days there was an honour intended to us of Jerſey, which it may not be improper to mention. The King of Navarre, breathing revenge for ſome pretended injuries done to him by the French, deſired to join arms with Edward, and propoſed Jerſey [4] as a commodious place for the two Kings to rendezvous at with their forces, and thence to paſs into Normandy, where the former had a powerful intereſt. To this Edward agreed, and

[1] Maſſeville Hiſt. Somm. Vol. III. Liv. ix. p. 163. Vid. Walſingham Ypod. p. 117. Polyd. Vergil. in Edw. III. p. 369.

[2] If the mark be here taken according to the then and preſent ſtandard in England, the ſum muſt ſeem exorbitant, conſidering the ſmallneſs of the iſland, and the value of money in thoſe days. I ſet it down as it lies in the memoir before me.

[3] Ex MSSto.

[4] Sir Robert Cotton's Abridgement of Records, p. 90.

put to ſea from the Thames with a royal navy, ſteering directly for Jerſey. But being forced back by contrary winds into Portſmouth, and there underſtanding that the falſe and fickle Navarrois had reconciled himſelf to the French, he went and landed at Calais. This project of the two kings to enter Normandy by the way of theſe iſlands, though it came to nothing, ſeems to have kept up ever ſince in the minds of the French a jealouſy, leſt they, viz. the ſaid iſlands, be one time or other made a bridge for the Engliſh to viſit them on the continent.

Propoſitions and overtures of peace were often made, which brought on only now and then a ſhort and ill-kept truce. In one ſuch, betwixt Edward and Philip de Valois, at the beginning of the war, I find theſe iſlands comprehended by name. It is there articled, "that if any place was then beſieged by either of the two kings, or their confederates, in Gaſcony, Aquitaine, the iſles of Gerneſeye or Geneſeye, the ſiege ſhould be raiſed upon notice of the truce[1]." At laſt came on the famous treaty of Bretigny, at a time when Edward was in his greateſt proſperity[2], who nevertheleſs conſented to lay down his claim to the crown of France, and to give up Normandy, as Henry III. had done before him. Let others reaſon about that treaty as they pleaſe. I meddle with it no farther than theſe iſlands were affected by it. As a ſort of equivalent to Edward for the conceſſions he made, the full and abſolute ſovereignty of Guyenne, Poictou, Saintoinge, and of thoſe other ſouthern countries and territories in France, for which homage was due to that crown, was yielded and granted to him. And foraſmuch there were ſome conſiderable iſlands along that ſouthern coaſt, as Rhé, Oleron, &c. about which diſputes might ariſe, Edward inſiſted on an expreſs declaration that they were included in that grant. *Rex verò Angliæ, & hæredes ſui, omnes inſulas patriis prædictis adjacentes, tenebunt*[3]. i. e. "The King of England, and his heirs, ſhall have and hold all the iſlands adjoining to the ſaid countries." Then follows, *unà cum Inſulis quas*

[1] Enſy accorde eſt qe ſi par aſcune dez roys, par lours gentz, oue lours alliez, oue coadjutours, aſcunes, (viz. ſeges) ſoient miſez en Gaſcoinc, en la duche Dacquitaine, oue en altres yles de mier, en Gerneſeye & en Geneſeye, oue aillours, les ſeges ſe leveronnt ſi toſt comme les trewez vendront à lour coniſance. Henry de Knyghton, among the Decem Scriptores publiſhed by Selden, &c. p. 2579.

[2] He then had John King of France his priſoner.

[3] Walſingham Hiſt. Angl ad an. 1360. ſeu 34 Edw. III. p. 160. This author in giving an extract of the treaty, has not diſtinguiſhed it into articles. In Rymer's Act. Publ. Tom. VI. p. 178, where the treaty is at length, the article concerning the iſlands is the VIth. in number, But Rapin has ſhortened and contracted it, ſo as to omit the clauſe which relates particularly to Jerſey, Guernſey, &c. For this is all he recites of that article; plus, toutes les iſles adjacentes aux pais ci-deſſus nommez. i. e. Moreover, all the iſles adjoining to the

quas tenet in præſenti. i. e. "Together with thoſe iſlands which he holds at preſent." This clauſe relates to the Iſlands of Jerſey, Guernſey, and the reſt, which Edward actually and quietly then held and poſſeſſed; and the ſame was added, leſt the French ſhould pretend that they had acquired a right to them by the ſurrender of Normandy. Now I cannot but obſerve again a ſpecial providence in this reſervation made in our favour. For while Edward was thus bartering away crowns and provinces, how ſmall a matter was it for him to throw a few iſlands into the bargain? he who could ſo eaſily part with ſo fine a country as Normandy, what could make him ſtick at giving up theſe iſlands along with it? What, I ſay, but an inviſible power over-ruling his counſels, and reſtraining him from doing that which would have determined our ruin beyond all hopes of remedy?

Although in the execution of the treaty, failures and non-performances of articles were complained of on both ſides, yet ſtill the face and appearance of a peace ſubſiſted for about nine years, when the war broke out again with the ſame fury, but not with the ſame ſucceſs to England as before. Edward was now on the decline of his life, enfeebled both in body and mind with the labour and fatigue of ſo long a contention. His brave ſon, the black Prince, lay languiſhing under a chronical diſtemper, which carried him off when his father and his country moſt needed him. The kingdom was exhauſted, and full of diſcontents. On the contrary, the French had greatly retrieved their affairs, and had on the throne a king in the flower of his age, of a cool head [a], and great wiſdom, thence called Charles le Sage, i. e. Charles the wiſe, who knowing his advantages, was indeed too wiſe not to lay hold of them and purſue them. In fine,

the countries above-named. He ſeems to have taken what follows to import no more than what was ſaid before, or to be only a redundancy of words. Whereas nothing can be plainer than that the article conſiſts of two parts, and ſpeaks of two ſorts of iſlands. Firſt, of thoſe the ſovereignty whereof was then for the firſt time made over to the King of England. Secondly, of thoſe that were his already, yet would he have the continuance of his right to them declared, by reaſon they were originally parcel of a country which he was now yielding up, ſo that without ſuch a declaration, they to whom the ſaid country was transferred might in after time lay claim to them. Dr. Brady, who likewiſe gives us the whole treaty, and quotes the record whence he had it, viz. Rot. de Tractat. Pacis. Franc. 34 Edw. III. M. 10. he, I ſay, is more exact. For thus he tranſlates the ſaid article from the French original: alſo 'tis agreed the King of England and his heirs ſhall have and hold all the iſles adjacent to the lands, countries, and places before-named, together with all other, iſles which he holds at preſent. Hiſt. of England, Vol. III. page. 264. I have only to add, that it has always been ſaid and underſtood, that in the treaty of Bretigny a reſervation was made of theſe iſlands to England, and it muſt be found in this clauſe, or no where.

[a] Philip de Valois who loſt the battle of Crecy, and John who loſt that of Poitiers, were valiant princes but raſh, and heady, which was the cauſe of their misfortunes. Charles was of another character,

what

what through his own well-concerted meaſures, what thro' the valour of his renowned conſtable, or general, Bertrand du Gueſclin, he ſo prevailed and became in a few years ſuperior to Edward, that the latter had very little left him in France, not only of what he had won with his ſword, but alſo of what antecedently and of antient right his predeceſſors had enjoyed in that kingdom.

Let us now ſee what ſhare theſe iſlands had in that aſtoniſhing reverſe of fortune.

Not long after the rupture, the French let us know that they had not forgot us. Normandy was now theirs again, but it would not content them unleſs we were theirs too. Charles had at his Court, and in his ſervice, one Yvans [1], of the blood of the antient Kings of Wales, an irreconcilable enemy to Edward and to all the Engliſh, on account of his father having been put to death for pretended rebellion, and he himſelf bereaved of his inheritance. Inflamed with a deſire of revenge, and being particularly verſed in ſea affairs, none was thought ſo fit as he to be employed in reducing theſe iſlands. And ſo with a good fleet, and four thouſand landmen given him for that expedition, he ſailed from Harfleur in Normandy, and finding Guernſey firſt in his way, he began with that. The Iſlanders received him with great bravery at his landing, but being overpowered, they were obliged to give back, leaving four hundred of their number dead upon the ſhore. The Caſtle was next beſieged, and vigorouſly aſſaulted, but ſo well defended, that Charles, who did not imagine that the gaining of it would have proved ſo difficult a work, recalled his troops, and ſent Yvans upon another enterprize. The old chronicle of Flanders [2] ſpeaks of hoſtilities againſt the ſame Iſland of Guernſey, by the admirals of France and Caſtile [3], the year before King Edward died. But theſe came only as pirates and robbers, for the ſake of plunder. We muſt not expect that Jerſey ſhould be without having its turn to ſuffer. And indeed the moſt terrible ſtorm of all fell upon it. For the Conſtable of France himſelf, mentioned above, not thinking it a diſparagement to his other conqueſts to add this iſland to

[1] Froiſſart Vol. I. Ch. cccv et cccvi. Hiſt. de Bertrand du Gueſclin, Connétable de France, & par du Chaſtelet. Liv. v. §. 12. Hollingſhead ad an. 1372. pag. 407.

[2] Chronique de Flandres, publiée par De Fontenailles, a Lyon 1562.

[3] Peter, ſurnamed the Cruel, King of Caſtile, had been ejected out of his kingdom for tyrannical government, and Henry his baſtard-brother placed on the throne. The too-generous Black Prince, with an Engliſh army, reſtored the tyrant, who ſoon after loſt his kingdom again together with his life. Henry, offended at the protection given to his competitor by the Prince, became an enemy to England, and ſided with France which had aſſiſted him. It was that fatal expedition into Caſtile that occaſioned the rupture of the peace of Bretigny, and conſequently all the calamities enſuing thereon. This note is added to take off the ſeeming ſtrangeneſs of a Caſtillan fleet coming againſt theſe iſlands.

them,

them, reſolved to make it feel the weight of his arms. He had obſerved, ſays the author of his life [1], that the ſituation of Jerſey and Guernſey very much favoured the deſcents of the Engliſh into Bretagne, where the war had ſpread, and raged as hot as in France, and where he himſelf then was, warring againſt the Engliſh; for that by laying up their ſtores and proviſion in thoſe iſlands ſo near at hand, they were eaſily and readily ſupplied from thence when they wanted. D'Argentré in like manner tells us, that Du Gueſclin eyed theſe iſlands as *la retraite ſeure des Anglois* [2], i. e. the ſure retreat of the Engliſh. Finding it therefore neceſſary to deprive them of that retreat, he came ſuddenly to Jerſey, at the head of an army of ten thouſand men, wherein were the Duke of Bourbon and the flower of the French chivalry, and encamped before Mont-Orgueil Caſtle. It does not appear that the inhabitants offered to diſpute his entrance into the iſland, which probably would have been in vain. They put all their hopes under God in the ſtrength of the Caſtle, and in the courage of thoſe brave men who were in it to defend it. Nothing was omitted on the part of the aſſailants that could be done, after the manner of carrying on a ſiege in thoſe days. Some of the out-walls were thrown down by ſap, which did not affect the main body of the place. At laſt it came to a compoſition, that they within ſhould ſurrender, if not ſuccoured before Michaelmas-day next enſuing; and the Conſtable ſhould break up his camp, and depart. Such compoſitions were then pretty frequent, and continued ſo to be as long as there was any good faith left among men, to ſpeak in the words of Mezeray [3]; and they ſeem to have been introduced for ſaving the honour of both parties, when alike tried and wearied with a ſiege. The Conſtable being returned into Bretagne, ſoon after heard that an Engliſh fleet had appeared at ſea, coming to relieve the Caſtle [4]; and thus ended that affair, and the Caſtle remained untaken. This, I think, was the only place belonging to England, which, when all others that he attacked fell before him, baffled the arms of that great and fortunate warrior.

Richard II. ſon of the Black Prince, had his grandfather's crown and wars devolved upon him together at once; a burthen to which a child who was but eleven years old muſt needs be very unequal. Edward juſtly dreading the conſequences of a minority

[1] Liv. vi. § 6. p. 242, 243.

[2] Hiſt. de Bretagne. Liv. vii. Ch. xv. fol. 426. verſo.

[3] Cette ſorte de Compoſition ſe pratiqua tant qu'il y eut quelque peu de bonne foy. Elle portoit toujours ſurſeance d'Armes, durant laquelle les Aſſiegeants ayant pris des Oſtages des Aſſiegés levoient leur Camp, & leur laiſſoient toute ſorte de Liberté, hormis de recevoir des gents de guerre dans leur Place, et de la munir, ou de la fortifier. Abregé, au Regne de Charles V. ad an. 1372.

[4] Hiſt. de Bertr. du Gueſclin. Liv. VI. §. 6. pag. 244.

in

in ſuch a conjuncture, would have renewed the peace of Bretigny, and receded from many of his pretenſions. But the French, elated with their good fortune, ſtood aloof, and would only conſent to a ſhort ſuſpenſion of hoſtilities, which was already expired, when Richard began his unhappy reign. Unhappy indeed, not only to the kingdom, but moreover to himſelf. Under it nevertheleſs all was quiet in theſe iſlands, and the French never went about to give us any trouble. Of which unuſual forbearance towards us the reaſon muſt be, as I conceive, that having formed a deſign to retaliate upon England the evil it had done them in Edward's days [1], and relying with great aſſurance on the vaſt and almoſt incredible preparations they had made for an invaſion and conqueſt of that kingdom [2], truſting withal to reap no ſmall advantage from the factions and diviſions within it; it would have been abſurd for them, and perfectly needleſs (whilſt they were ſo confident of carrying their point) to turn their arms this way, ſince they very well knew that the fate of the ſaid kingdom would determine ours, and that the gaining of it muſt of courſe throw us into their hands. And when that deſign was laid aſide, and the two Crowns did agree upon a truce of eight and twenty years, which was ſtrengthened by the marriage of Richard with Iſabel, the French King's daughter, their hands were then likewiſe tied by that convention from acting againſt us. This interval of calm and tranquillity in theſe iſlands, whilſt Richard reigned, came very ſeaſonably to relieve us, and give us time to breathe after our former ſufferings.

Henry IV. not contented to have dethroned his couſin Richard, was prompted by his guilty fears to take away that poor Prince's life alſo, which inhuman fact made him deſervedly odious both at home and abroad. At home, he was perpetually haunted with plots and rebellions. From abroad, he was defied and inſulted [3]. Being obliged for his ſecurity to keep a power at ſea, there followed a bloody engagement betwixt it and a fleet under the admiral of Bretagne, wherein the Engliſh were worſted, loſt forty ſhips, and had above two thouſand men killed or taken priſoners. When by that victory the enemy had cleared the ſea of the Engliſh, they fell upon theſe iſlands;

[1] S'ejouiſſoient Chevaliers & Eſcuyers, quand ils partoyent de leurs Maiſons pour aller avec le Roy de France en Angleterre; & diſoyent, or irons nous ſur les maudits Anglois, qui ont fait tant de maux & de perſecutions en France. A ce coup en aurons nous vengeance de noz peres, de noz freres, & de noz amis, qu'ils nous ont mis a mort et deconfits. Froiſſart, Vol. III. Ch. xli.

[2] Id. Vol. III. Ch. xxxv. & xxxvi. Gaguin. Lib. ix. in Carolo V. Mezeray Abregé ad an. 1386.

[3] The Duke of Orleans, who married the Queen Relict, challenged him in very reproachful terms; and the Count De St. Paul, who had married Richard's ſiſter, treated him no better. Chron. de Monſtrelet, Vol. I. Ch. ix. & x.

and

and though for want of being provided with things neceſſary for a ſiege, they could do nothing againſt the caſtles, they wrought all the miſchief and damage they were able to the inhabitants [1]. And this is all I find in this reign that particularly concerns us.

Henry V. was no ſooner on the throne but he laid claim anew to the Crown of France, which claim, though not expreſſly dropt, yet had lain dormant during the two laſt reigns. The war began in Normandy, which Henry had mainly ſet his heart upon, both as it was very deſirable for its own ſake, and as it would open a way for him to penetrate further into France. In reducing that part of the Coûtantin near us, wherein are the cities of Coûtance and Avranches, the towns of Granville and Pont-Orſon, and the ſtrong place of Mont-Saint Michel [2], theſe iſlands were of good uſe and ſervice, as on other accounts, ſo particularly in being a ſafe ſtation, in thoſe ſhort and narrow ſeas, for the Engliſh ſhipping that attended upon the army on land. The Duke of Clarence, Henry's brother, commanded that army [3].

Now according to a received tradition with us in Jerſey, it was at this time that Mont-Orgueil Caſtle, ſo often mentioned already, obtained the name it now bears, being before called Gouray Caſtle [4], from the village of Gouray, which lies hard by it. And the ſaid name of Mont-Orgueil does ſo exactly ſuit and tally with the lofty ſituation and noble appearance of the Caſtle, that he muſt have been well acquainted with it, and have taken a good obſervation of it, who firſt gave it a name of ſuch propriety and ſignificancy. For it ſtands on a high rocky promontory, joined to the main iſland by a low and narrow iſthmus, and proudly over-looks, (I had almoſt ſaid) threatens the neighbouring coaſt of Normandy. I took up too haſtily [5] with the common opinion, which makes the King himſelf the author of that name. Having found ſince that Henry came no farther this way, nor nearer to us, than Caen, I rather now incline to aſcribe the ſame to the Duke of Clarence, who, as was ſaid before, commanded in theſe parts. Whilſt that Prince lay about Coûtance, in full ſight of Jerſey, 'tis ſcarce conceivable but that either curioſity would move him, or the very ſervice he was upon would oblige him, to make a trip hither; which, both in his coming and return,

[1] D'Argentré, Liv. x. Ch. v.

[2] This laſt was not taken, as all the others were. It is a ſtupendous ſtructure, which I have beheld with admiration. But there is no room here for a deſcription of it.

[3] Chron. de Norm. Ch. lviii. Maſſeville Hiſt. Somm. Part IV. Liv. xi. pag. 65.

[4] Or Goré. The late Sr. de Samarez obſerves that he had read in ſome antient writings Caſtellum Gurrit.

[5] In the former edition.

needed not take up above eight and forty hours at moſt. And being here, and ſeeing a caſtle that made ſo ſtately a figure, and had of late gained a great reputation by the repulſe it had given to the conſtable of France, it was very natural for him to think it deſerved a more honourable name than that which it borrowed from a mean though antient village. After that, when the ſame Prince came to make a report of his Expedition to the king his brother, he could not fail acquainting him with what he had obſerved concerning this caſtle; nor could the King thereupon do leſs than order it to be well looked to, and to have all that further done to it which might add to its ſecurity and ornament [1]. D'Argentré takes notice of the Engliſh being ſo very jealous of this caſtle, that no Frenchman was ſuffered to come within the gate without being firſt blindfolded [2]. Notwithſtanding all this caution, and the intrinſick ſtrength of the place, a way was made for the French to get into it, and ſeize upon it, in the latter end of the weak reign of

Henry VI. which happened in this manner. During the conteſt betwixt that unfortunate prince and Edward IV. for the crown, Queen Margaret, wife of Henry, went into France to crave ſuccour of Lewis XI. who then reigned. She herſelf was a Frenchwoman, daughter of the Duke of Anjou, and nearly related to Lewis. But that wary and politic King would not be ſeen openly to concern himſelf in her affairs, for fear of renewing the war with England, which his father Charles VII. had not long before terminated by the total expulſion of the Engliſh out of France [3]. However underhand he connived at her tranſacting with a great Lord of Normandy [4], named Peter de Brezé, Count de Maulevrier [5], to this effect; that in conſideration of the aid and aſſiſtance he ſhould bring to King Henry her huſband, theſe iſlands ſhould be made over to him and his heirs for ever, to hold them independently from the crown of England. Being one who had eminently diſtinguiſhed himſelf in the war againſt the Engliſh, and acquired a great name among the ſoldiery, he ſoon got together a body of two thouſand veterans, whom he took with him into England, and there did

[1] Ad Orientale latus quà Conſtantiam Urbem ex adverſo proſpectat, præruptæ rupi Caſtrum affigitur munitiſſimum, elato nomine Mont-Orgueil, quod plurimum Henrico V. inſtauratori debet. Camden de Inſul. Britan. page 854.

[2] Hiſt. de Bretagne, Liv. vii. Ch. xv. fol. 427.

[3] How much Lewis dreaded their return, and how artfully he ſent back Edward IV. without doing any thing, when the latter was actually paſſed over with a good army to purſue the old quarrel, may be ſeen at large in the Memoirs of his celebrated hiſtorian Philip de Commines, Liv. iv. Ch. v. &c.

[4] Grand Senéchal de Normandie.

[5] Et de la Varenne. Maſſeville Part. IV. aux Remarques. pag. 412.

as

as much ſervice as could be done in ſupport of a declining and ſinking cauſe[1]. In the mean time, to make ſure of his reward (vaſtly exceeding and diſproportionate to any ſervice he could do) he ſent one Surdeval, a Norman gentleman likewiſe, with a competent force, to take poſſeſſion of Mount-Orgueil Caſtle; which the Engliſh commander, who was of the Lancaſtrian Faction, and a Creature of the Queen, had ſecret orders to deliver up. It was contrived amongſt them that the French ſhould come in the night, and the commander be taken in his bed, to the end the thing might paſs in the world for a ſurprize (from which the ſtrongeſt places have not always been exempted) rather than a premeditated and concerted treachery. The Count having done with England, came in perſon to Jerſey, and began to exert his authority there; ſtyling himſelf in all public acts ſet forth in his name, "Peter de Brezé, "Count de Maulevrier, &c. Lord of the iſlands of Jerſey, Guerneſey, Alderney, "and the others adjoining, Counſellor and Chamberlain of our Sovereign Lord the "King of France[2];" whereby, as he proclaimed his own dependence on the ſaid King of France, ſo he plainly gave the inhabitants to underſtand, that they likewiſe muſt thenceforth look upon themſelves as ſervants and ſubjects to the ſame maſter. At this they were enraged. To be thus betrayed and ſold to the French, ſeemed more intollerable to them than to have been conquered with the ſword. The Count did all he could to ſooth their diſcontents, but in vain. All his promiſes of gentle uſage, and of a gracious government, if they would own him, and transfer their allegiance to France, made no impreſſion upon them. So that in about ſix years time, he could not bring under his obedience above half, *i. e.* ſix pariſhes, of the iſland; the other half, headed and influenced by Philip de Carteret, Seigneur de St. Oûen, ſtanding out in defiance of him. The iſland is extended in length from Eaſt to Weſt, and had then at each extremity a Caſtle, Mont-Orgueil on the Eaſt, and Groſnez[3] on the Weſt. This laſt Philip de Carteret took care to ſecure, as a place of defence and ſafety for himſelf and thoſe who with him adhered to England, whilſt Mont-Orgueil was held by the Count with his Frenchmen and Normans, and betwixt theſe two parties there happened (battles I cannot ſay, but) frequent rencounters and ſkirmiſhes. Even thoſe ſix pariſhes which obeyed the Count, were not better affected to him than the reſt: but lying neareſt to Mont-Orgueil Caſtle, they were forced to ſubmit, for fear of military executions. In this ſtate things remained until the quiet poſſeſſion of the throne by

[1] Chron. de Monſtrelet. Vol. III. fol. 95. Verſo. Maſſeville, part. IV. Liv. xiv. p. 257.

[2] Chronique MSS. de L'Iſle de Jerſey. Ch. v.

[3] Of this very antient Caſtle nothing remains but the foundations of ſome of the walls. The Map ſhews where it ſtood.

Edward IV. For then Sir Richard Harliſton, vice-admiral of England, coming to Guerneſey with a ſquadron of the King's ſhips, Philip de Carteret let him know what a hard ſtruggle he had to keep the iſland from being quite over-run by the French. The admiral thereupon, leaving his ſhips in Guernſey road, haſtened privately to him at his Mannor of St. Oûen in Jerſey; and there they two entered into a conſultation about the propereſt means to recover the caſtle. The reſult was, to go about it inſtantly, before the French knew of an Engliſh fleet ſo near them. Now, they lay confident and ſecure, but if alarmed with the apprehenſion of a ſiege, they would provide againſt it, compel the country to ſtore and victual them, and give notice to their friends in Normandy of the danger threatening them. To think of carrying the caſtle by force, would be raſhneſs and folly. What only could be done with any probability of ſucceſs, was, by a cloſe blockade, to reduce thoſe within to ſuch ſtraits and neceſſities, as ſhould make them even glad to be ſuffered to depart with their lives; and for effecting this, the utmoſt ſpeed and ſecrecy were requiſite. Accordingly never was a deſign of this nature more prudently and happily conducted. The word being given by Philip de Carteret, went in a moment through the iſland, paſſing from hand to hand, and in the beginning of the appointed night the people took to their arms, and marched in great ſilence to inveſt the caſtle. At the ſame time the fleet weighed ancher, and ſailed from Guernſey: ſo that in the morning the French, to their great ſurprize and amazement, ſaw themſelves ſurrounded and ſhut in both by ſea and land. Albeit it had not been judged proper to make any forcible attack upon the caſtle, yet there was a good deal of action, and it coſt the lives of divers of the inhabitants in defending their lines, and repelling the ſallies of the beſieged; and the Seigneur de Roſel is particularly numbered among the ſlain on one of thoſe occaſions.

All the while the French were contriving how to get aid from Normandy, which they knew would not fail them, ſo they could but find means to make their condition known there. At length they imagined that poſſibly a boat might paſs undiſcovered through the fleet, under favour of the night; and it being the laſt and only ſhift left them, they reſolved to put it to the trial. Though they needed but one boat, they cauſed two to be built; one openly upon the rampart, in view of the beſiegers; the other near the former, but hid, and out of ſight. The workmen were ordered ſo to time their blows, and ſtrike evenly together upon the two boats, that from the camp without no ſound might be heard but what would be ſuppoſed to come from the boat on the rampart. By this deviſe, that which lay out of ſight was finiſhed, while the workmen were ſtill ſeen buſy about the other. Our people were not ignorant what uſe the

boat was intended for, but having no ſuſpicion of any other beſides that which they had in view, the pretty wile might have ſucceeded, if an iſlander (whom the French had conſtrained againſt his will to take pay with them) had not ſhot an arrow with a letter tied to it into the leaguer, which laid open the ſtratagem; adviſing withal, that the next night the finiſhed boat would be let down the walls, and ſent to ſea. Of this, information was immediately given to the fleet, which kept a ſtrict watch, and the boat was intercepted. And ſo the French ſeeing all hopes of relief cut off from them, and themſelves brought into the moſt extreme diſtreſs and want of all things, beat a parley, and ſurrendered. Which good news, when ſignified to the country by ſetting up again the ſtandard of England upon the caſtle, it diffuſed ſuch an univerſal joy among the people as is not to be expreſſed.

The iſlanders gained much honour by this ſiege, and had thereupon a new charter granted them, with ſpecial acknowledgements of their good ſervice, and the ſame has ever ſince been inſerted and repeated in all our charters to this day, *in perpetuam rei memoriam*. Sir Richard Harliſton was recompenſed with the government of the iſland. But what reward was conferred on Philip de Carteret, who had been the very life and ſoul of the undertaking, I cannot find. However, he could not miſs that which always attends the doing of brave and worthy actions. I mean, the public eſteem, and the inward ſatisfaction of having faithfully and honourably acquitted himſelf to his King and to his country, following therein the example of his anceſtors. It has eſcaped me to obſerve in its proper place, that the Count, our pretended Lord, had left the iſland before the ſiege, and was, not long after, killed at the battle of Montlehery, fighting for his Maſter Lewis XI. againſt the Count de Charolois, afterwards Duke of Burgundy [a].

It was ever beſt with us when the French had other more important work to employ their hands, and 'tis to their aſpiring after greater conqueſts that we owe thoſe quieter times which we are now entering upon; times that take up the whole ſpace betwixt our two Edwards IV. and VI. So that nothing of moment, concerning the French and us of theſe iſlands, occurring under the immediate reigns, I might very well paſs thoſe reigns over, were it not that the method in which I have begun requires to have the line and ſucceſſion of our Kings continued unbroken.

[a] Chron. de Monſtrelet. Vol. III. fol. 116. Memoires de Commines, Liv. 1. Ch. iii.

France

France being delivered from the Engliſh, the crown reinſtated in the poſſeſſion of the alienated provinces, the royal power advanced to a greater height than before[1], thoſe proſperities put Charles VIII. and his ſucceſſors upon enlarging their views of empire. The kingdom, though ſo much increaſed by the loſſes of England, and by other acceſſions, was now too little for them. They muſt paſs the Alps, and extend their dominion into Italy, by the conqueſts of Naples and Milan. No wonder if being engaged in ſuch an enterprize, and purſuing it obſtinately by a war of more than forty years, attended with a great variety of events; no wonder, I ſay, if their thoughts were taken off from theſe iſlands, and they left us at reſt, whilſt they carried fire and ſword into other parts of the world. Coincident with that long war were the following reigns of

Edward V. an innocent young prince, ſoon made away by his unnatural uncle

Richard III. whoſe wicked uſurpation can only entertain us with ghaſtly ſpectacles of tyranny, cruelty, and murther; from which turning away,

Henry VII. offers himſelf next to us, a better man, and a ſpecial favourer of theſe iſlands. Whilſt he was only Earl of Richmond, and fled from his enemies of the houſe of York, who ſought his life, whether deſignedly, or driven by contrary winds, he landed in Jerſey, and here lay concealed till he got a paſſage into Bretagne. Being a wiſe prince, he obſerved ſome defects in the government and public adminiſtration amongſt us, which he took care to amend when he came to the crown. And as King John had given us conſtitutions, ſo he gave us ordinances, in xxxiii articles, to be laws to us, as they are to this day, except where time or ſubſequent regulations from the council-board have introduced ſome change into them. I ſay no more of them here, becauſe they will be mentioned again hereafter. The laſt reign, which coincides with the French war in Italy, is that of

Henry VIII. a reign remarkably checquered with good and evil, of both which we had our ſhare in common with the reſt of our fellow-ſubjects. Our Jerſey Chronicler has preſerved the memory of ſome things under this reign, fit enough to be remembered among ourſelves, but of too private a nature to fall properly within the plan of this hiſtory. They moſtly relate to the haughty and arbitrary conduct of ſome of our gover-

[1] Lewis XI. father of Charles VIII. laid the foundation of that more abſolute and deſpotic ſway, which has ever ſince been exerciſed by the Kings of France. Hiſtorians expreſs it by ſaying, qu'il avoit mis les Rois hors de page. Mezeray Abr. au regne de Loûis XI.

nors,

nors, who ſet up for petty tyrants, not only injuring particular perſons, but inſulting the magiſtracy, and obſtructing the public proceedings of juſtice. Such an one, and moſt notorious, was Sir Hugh Vaughan, ſcreened and upheld by Cardinal Wolſey, then High Chancellor and Prime Miniſter of England, to whom by large bribes * he had found means to recommend himſelf. So great a patronage however did not deter Helier de Carteret, Seigneur de Handois, and bailiff of the iſland, from carrying the complaints of the country with his own up to court, and there, in the very face of the Cardinal, calling ſo loud for juſtice, that at laſt he obtained it, and the inſolent governor was removed. This Helier de Carteret, for love to his country, fortitude, and other laudable accompliſhments, ſhines very bright in our annals. He was brother to the Seigneur de St. Oûen, and ſo of a houſe fruitful in patriots. But I forbear entering farther into theſe matters, as being beſide my purpoſe; although perhaps it was not amiſs to ſhew (at leaſt in one inſtance) how that 'tis not only from enemies without that we have met with trouble, but ſometimes alſo from thoſe within whoſe buſineſs and duty it was to protect and defend us. Which I doubt not is often the caſe of other governments remote and at a diſtance from the ſovereign.

To proceed in our narration; the French, after a long alternate courſe of victories and defeats, of gains and loſſes in Italy, were grown weary of the war, and had repaſſed the mountains. And then they were at leiſure again to think of us, and to renew their efforts againſt us. Which they ſoon did on occaſion of a rupture betwixt their Henry II. and our

Edward VI. The firſt thing they went upon, was the ſeizing on the little iſland of Sark, wherein they found no difficulty, it having been for ſome time uninhabited. And there they immediatly ſet themſelves to raiſe forts, and make ſettlements. This was a new ſcheme which they had laid for ſubduing of us, viz. by continual alarms and incurſions from that iſland now in their power, ſo to vex, harraſs, and diſtreſs the others (in the middle and center of which it is ſeated, therefore very commodious for that purpoſe) that they, being quite tired out and ſpent with ſuffering, might at length for very quietneſs-ſake be brought to ſubmiſſion. And it muſt be owned, that could the French have kept their footing there, they would have done us miſchief enough. But this fine ſcheme, how confidently ſoever depended on by them, quickly vaniſhed into ſmoke, as

* At one time, a bark of ſixty tons laden with the choiceſt Gaſcoigne wines, and bales of linen cloth off the manufacture of Normandy, with plate, &c. all together to a great value. Chron. MSS. de Jerſey, Ch. xix.

will

will appear by the ſequel. Having thus ſecured the ſaid iſland, and left four hundred men in it for a guard, they went in the night to Guernſey, to which they had but two hours ſailing, and ſet upon a fleet of Engliſh ſhips lying at anchor in the road before the town. Many of the captains and officers happened to be aſhore, aſleep in their beds, gave the French ſome advantage in the beginning of the fight. But the whole town being awakened with the noiſe of the cannon, and help coming to the ſhips, the fight was maintained, and the enemies repulſed. Hoping for better ſucceſs in Jerſey, they next bent their courſe thither, and anchored in Boulay-Bay, in the north of the iſland, where alſo they landed. The landing place is a hollow bottom, encompaſſed with high cliffs and hills, on which our people poſting themſelves, ſo galled and annoyed them, who ſtood drawn up below, that they kept them from advancing farther into the iſland; and then coming to a cloſer engagement with them, drove them back to their ſhips, killing many in the purſuit. The action was warm, conſequently not without ſome loſs on our ſide. The Sieur de la Roque, one of the juſtices of the royal court, had an arm cut off, of which he died a few days after. But what's moſt remarkable, is, that among the ſlain was found a Popiſh prieſt of this iſland [1], whoſe love to the Engliſh government, and to the liberties of his country, ſo prevailed above the diſcontents which the change of religion in this reign wrought on men of his order, that it ſet him on to appear that day in the foremoſt ranks. An example to be recommended to thoſe of that perſuaſion in England, who out of an unreaſonable averſion to the preſent eſtabliſhment [2], would bring in the French, and ſubject their native land to a foreign power. This to the French proved one of the unhappieſt attempts they ever made on theſe iſlands. At their going in to St. Malo to refit, no fewer than threeſcore dead bodies of gentlemen, out of one ſingle ſhip, were brought aſhore to be buried. In the whole, their loſs was computed at a thouſand men. And the King of France himſelf was ſo much out of countenance at the diſappointment, that he forbade all ſpeaking about it [3].

Q. Mary's reign has been thought inglorious for the loſs of Calais, taken by the French after the Engliſh had poſſeſſed it above two hundred years. It was nevertheleſs in the time and under the auſpices of this Queen, that the ſame iſland of Sark ſpoken of above, was re-taken from the French; though indeed it cannot be ſaid that the regaining of ſo ſmall an iſland countervails the loſs of a town, which, on the ſide of England, was

[1] Chron. MSS. de Jerſey. Ch. xxv.

[2] Viz. of King William and Queen Mary on the Throne, not long after which this firſt edition was written.

[3] Hollingſhead Chron. ad an. 1549. pag. 1055. Sir John Hayward's Life of Edw. VI. in the Compl. Hiſt. vol. II. pag. 300.

the

the key of France. The French colony in that iſland was grown very thin, their broken meaſures cauſing many of them to deſert, and return into France, ſo that few able to bear arms were left for the defence of the place. And yet even thoſe few were enough to have held it againſt a whole army. For the land is ſo high, and inacceſſible on all ſides, and the ſteps leading up ſo ſteep and narrow, that one man armed only with ſtones might have kept out a thouſand. This iſland notwithſtanding was taken by a company of Flemings, ſubjects of King Phillip (huſband of Queen Mary) who coming in the night to one of thoſe paths, and finding it unguarded, went up without reſiſtance, and took the French priſoners. This is the account which our own hiſtorian gives of that ſurprize [1]. But Sir Walter Raleigh, who was ſome time governor of Jerſey, and informed himſelf with great care of all the ſingularities of theſe iſlands, gives a different relation of it. For he ſays it was taken by a ſtratagem, which for contrivance and ſucceſs, he prefers to many of the ancients. The iſland of Sark, ſays he, [2] joining to Guernſey, and of that government, was in Queen Mary's time (he ſhould have ſaid in King Edward the VIth's time) ſurprized by the French, and could never have been recovered again by ſtrong hand, having cattle and corn enough upon the place to feed ſo many men as will ſerve to defend it, and being every way ſo inacceſſible that it might be held againſt the Great Turk. Yet by the induſtry of a gentleman of the Netherlands it was in this ſort regained. He anchored in the road with one ſhip, and pretending the death of his merchant, beſought the French that they might bury their merchant in hallowed ground, and in the chapel of that iſle; offering a preſent to the French of ſuch commodities as they had aboard. Whereto (with condition that they ſhould not come aſhore with any weapon, no not ſo much as with a knife) the French yielded. Then did the Flemings put a coffin into their boat, not filled with a dead carcaſe, but with ſwords, targets, and harquebuzes. The French received them at their landing, and ſearching every one of them ſo narrowly as they could not hide a penknife, gave them leave to draw their coffin up the rocks with great difficulty. Some part of the French took the Flemiſh boat, and rowed aboard their ſhip to fetch the commodities promiſed, and what elſe they pleaſed, but being entered, they were taken and bound. The Flemings on the land, when they had carried their coffin into the chapel, ſhut the door to them, and taking their weapons out of the coffin, ſet upon the French. They run to the cliff, and cry to their companions aboard the Fleming to come to their ſuccour. But finding the boat charged with Flemings, yielded themſelves and the place. I have ſeen Memoirs which confirm the

[1] Chron. MSS. de Jerſey. Ch. xxxiv.

[2] Hiſt. of the World, part I. book IV. ch. xi. §. 18.

taking of this iſland by ſuch a ſtratagem; but the other circumſtances of time and perſons do not agree with the foregoing ſtory [1].

Queen Elizabeth had ſcarce any war with France all the time of her happy reign. In compaſſion indeed to the reformed of that kingdom (whom popiſh perſecution and cruelty had forced to take up arms in their own defence) ſhe ſent them ſix thouſand auxiliaries, and had the town of Havre de Grace in Normandy put into her hands by the ſaid reformed, for a place of ſecurity to her troops, and for keeping open a communication with England. But they, entering ſoon after into a treaty with their king, were the moſt eager and forward to wreſt the town again from her, joining even with their enemies the papiſts to beſiege it, and ſend away thoſe who were come to aſſiſt them, and had fought for them [2]. Which fickle and ungrateful return made the wiſe Queen more ſhy and reſerved towards them, and prevented her breaking openly with France upon their account, yet without abandoning them altogether. Peace and proſperity to herſelf and to her people were the fruit of that counſel, whilſt the French (now more at enmity than ever, notwithſtanding the late pacification) were ſheathing their ſwords into each other's bowels. This civil war within themſelves did, with regard to us, operate in like ſort as their expedition into Italy had done; that is, it made them forget us for a ſeaſon. And were it a chriſtian wiſh, one would not be ſorry if ſuch turbulent nations were ſo always employed at home in their own mutual deſtruction, as to be thereby diſabled from diſquieting their more peaceable neighbours. The Queen well knowing the temper of the French, and judging from what was paſt, that upon dropping their domeſtic quarrels, they would caſt the ſame evil eye towards theſe iſlands as formerly, reſolved to enlarge her royal care of them. The retreat they had afforded to great numbers, and among them to many of the beſt quality in France, who fled from the maſſacres [3], had rendered the ſaid iſlands yet more obnoxious to a bloody and ſuperſtitious court, againſt whoſe reſentment there was great need to arm them. Accordingly in Guernſey, ſuch improvements were made to Cornet-Caſtle, that for ſtrength

[1] Sarcenſes inſulani, prædæ avidi, adulteriis pharis & ignibus nautas & mercatores noctu ad naufragium impellebant, ut eis jactura commodo cederet; quod cum aliis, Rienſibus quibuſdam Anglis & Winchelſenſibus factum eſt; undè commoti ipſi, cùm non poſſent pàlam ulciſci injuriam, hanc dolo rem aggreſſi ſunt. Finxerunt mortuum dominum navis, rogant inſulanos ut liceat eis in ſuo ſacello ſepelire; conceſſerunt, eâ tamen lege ut comitarentur corpus inermes, Rienſes igitur pheretrum implerunt armis & enſibus, pro mortuo efferunt, inſulam & ſacellum ſunt ingreſſi, pheretrum aperiunt, incautos Sarcenſes invadunt, obtruncant, inſulam vaſtant. Ex MSS. Philippi de Carteret Eq. aur. dom. de St. Ouen. defunct.

[2] Camden Elizab. ad an. Regni V. & VI.

[3] Popeliniere hiſt. de France, Vol. II. liv. xxxiv. fol. 143, verſo.

and

and beauty it yielded to none throughout the Queen's dominions [1]. In Jerſey, we had a new one built, which, as founded by this Queen, bears her glorious name [2], and will be mentioned again hereafter more than once. Her grant of the Iſland of Sark to Philip de Carteret, Seigneur de St. Oûen, in order to people and plant it, ſhews no leſs her concern for our tranquillity. For though ſhe might therein intend to favour a gentleman whoſe family had highly merited of the crown, we ſhould wrong her excellent wiſdom and judgement, if we did not ſuppoſe ſhe had a farther view in it, viz. to keep the French from neſtling there again, as they had done in her brother's time, and thence giving us freſh trouble and diſturbance.

King James I. was a moſt pacifick Prince, who having little left him to do for us in the way of military defence, turned his thoughts to the better ſettling of Religion in theſe iſlands, and bringing them to a conformity to the church of England, which he happily effected in Jerſey; a work doubtleſs more acceptable to God, and which will perpetuate his name among us no leſs, than if he had invironed this iſland with a wall of braſs. A work of all others the moſt congruous to his peaceful reign. Thus, when, God would have a temple among the Jews, he choſe the peaceful reign of Solomon for the building of it, and not that of David, though otherwiſe a moſt excellent Prince, becauſe he had ſhed much blood upon the earth, and had made great wars [3]. Theſe two reigns of Queen Elizabeth and King James I. were on all accounts the beſt days we ever ſaw, and truly the golden age of theſe iſlands.

King Charles I. notwithſtanding his early match with a daughter of France, ſiſter of Lewis XIII. found himſelf unhappily drawn into a war with that crown. Lewis had renewed the perſecution againſt his proteſtant ſubjects, and laid ſiege to Rochel, their ſtrongeſt hold. The Duke of Buckingham being ſent with a good fleet and army to their relief, and landing in the Iſle of Rhé, it ſo provoked the French, that they threatened to revenge the affront by a like deſcent the year following on the Iſlands of Jerſey, and Guernſey. Which being known in England, proper meaſures were taken to diſappoint them. The Earl of Danby, Governor of Guernſey, was ordered forthwith to the iſlands, with ſupplies, and inſtructions to make all the diſpoſitions neceſſary for a good defence [4]. The garriſons were reinforced, the militia reviewed and exerciſed, arms diſ-

[1] Heylin's ſurvey of Guernſey and Jerſey, ch. i. p. 298.
[2] Elizabeth-Caſtle.
[3] 1 Chron. xxii. 8.
[4] Dr. Heylin's ſurvey of the iſlands is owing to this voyage, in which he attended the Earl as his chaplain.

tributed to ſuch as wanted, the magazines ſtored and repleniſhed; and, for a concluſion, the Earl calling together the ſtates of each iſland, exhorted them in a ſet and pathetick ſpeech to remember their ancient fidelity to the crown of England; which they cheerfully promiſed, and would no doubt have as bravely performed, had the French gone about to execute what they had threatened. But whether deterred by the preparations made to receive them, or diverted by other incidents, we heard no more of them.

About this time, at the King's direction and great expence, was built the lower ward of Elizabeth Caſtle in Jerſey, taking in the whole circuit of ground that had heretofore been the ſite of the abbey of St. Helier; and is called the lower, to diſtinguiſh it from the upper ward, which ſtands higher on a rocky eminence, and was the work of Queen Elizabeth. When 'tis conſidered how unreaſonably ſtiff and backward to ſupply him in his greateſt neceſſities, this good King found his Parliaments, from the very entrance of his reign, it ought ſo much the more to endear his memory to us of this iſland, in that out of his wants he would ſpare for the raiſing of ſuch a fortification. As we partook in his beneficence, ſo did we in his afflictions and ſufferings, which now came on apace upon him, and were ſuch as no chriſtian King ever met with the like from his own people. This iſland had given birth to a gentleman, who, in that great apoſtacy, preſerved his integrity and loyalty, and was a means to eſtabliſh and confirm us in ours. This was Captain Carteret (afterwards Sir George) comptroller of his Majeſty's navy, a man, ſays Lord Clarendon [1], of great eminency and reputation in naval command. He ſtood ſo well in the opinion even of the parliament, for true honour, courage, and abilities, that when they committed the fleet to the Earl of Warwick in oppoſition to the King, the two houſes had caſt their eyes upon him for vice-admiral. But he knew better what became him, than to accept of an employment from them, unleſs the King had judged it expedient for his ſervice. Unhappily his Majeſty did not judge it ſuch, nor would conſent that one of his ſervants ſhould ſo far countenance their undutiful proceedings as to be any ways concerned with them, which the noble hiſtorian laments as a moſt fatal error. For (to uſe his own [2] words) if Captain Carteret had been ſuffered to have taken that charge, his intereſt and reputation in the navy was ſo great, and his diligence and dexterity in command ſo eminent, that it was generally believed, he would, againſt whatſoever the Earl of Warwick could have done, have preſerved a major part of the fleet in their duty to the King. Upon this, Sir George withdrew himſelf with his family to Jerſey, and being well aſſured of the hearty concurrence of the inhabitants, declared for his Majeſty.

[1] Hiſtory of the Rebellion, Vol. I. Part 2. pag. 679. Edit. in 8°.
[2] Id. Ibid.

And

And now the ſword was drawn on both ſides, and the nation run into blood. No conceſſions that a gracious Prince could make, though in diminution of his juſt authority, would ſatisfy. The rebels grew more inſolent upon every ſucceſs, and more averſe to peace. God's counſels are inſcrutable. Through his permiſſion, thoſe wicked men, went on triumphing in their villany. They beat the King out of the field, and, having run him down like a hunted deer, laid their impious hands on his ſacred perſon. Yet, amidſt all their proſperities, this little iſland was ſtill a thorn and a goad in their ſides. For to make a diverſion [1], Sir George had cauſed to be equipped about half a ſcore ſmall frigates and privateers, to cruiſe upon ſhips trafficking under paſſports from the Parliament's officers. Thoſe ſoon ſtruck a terror all over the channel; trade was interrupted; merchants complained of their loſſes; few would venture to ſea without convoys; and then it came to be underſtood what miſchief may be done to England by theſe iſlands being in the hand of enemies. We could not avoid falling under that odious denomination, among them who happened to be ſufferers by us, although in reality we were not enemies to England, and God forbid we ever ſhould. We were ſo only to rebels, to thoſe who themſelves were enemies to their King, wherein we behaved no otherwiſe than will always become good ſubjects, placed in the like ſituation as it then was our misfortune to be. And here we have an example which methinks ſhould never be forgotten, but remain a ſtanding admonition to England of the danger to it from theſe iſlands, ſuppoſing them poſſeſſed at any time hereafter by the French. For if a governor of Jerſey with a few ſmall privateers, could make himſelf ſo formidable, what would not a vaſtly greater naval power of France ſtationed in theſe iſlands, as moſt certainly ſuch a one there would be, what (I ſay) would not ſuch a power be able to do?

The King had ſent the Prince his ſon into the Weſt, to have him out of the reach of the evils which might befal himſelf, rightly deeming it too great a venture to hazard both their perſons together. And the event juſtified his Majeſty's wiſdom therein. For by that means the Prince was reſerved to better times, though firſt led by providence through many great trials. The forces deſigned to act under him in the Weſt not anſwering the ſervice expected from them, and the enemy preſſing ſo hard upon him that they had almoſt pent him up in a nook of the Land's End, he was forced to betake himſelf to the Iſle of Silly for preſent ſafety. After ſome ſtay in that poor place, loyal indeed, but deſtitute of neceſſaries, he removed to Jerſey, where he was moſt joyfully received, and better accommodated. He found here at leaſt what to be

[1] Beſides making a diverſion, there was a neceſſity to provide for a numerous garriſon, which could only be done by creating a fund for that purpoſe out of the captures and prizes brought in.

ſure

ſure his generous ſpirit would chiefly regard, viz. hearts full of duty and affection to him. The King had appointed a council to attend him, among whom the moſt credited and confided in, ſeems to have been the Chancellor of the Exchequer, Sir Edward Hyde, afterwards the great Earl of Clarendon. No ſooner were thoſe noble perſons, with their royal charge, arrived in the iſland, but their firſt care was to view the ſame all over, and take a good account of it, and having ſo done, declared their opinion, with which the Prince concurred, that it was a place of the greateſt ſecurity, benefit and conveniency to repoſe in, that could have been deſired and wiſhed for; till upon clear information and obſervation of the King's condition, and of the ſtate of England, he (the Prince) ſhould find a proper opportunity to act [1]. The Queen his mother was then in France, who by frequent meſſages and letters ſolicited his repair thither, ſeeming not to think him ſufficiently ſafe in this iſland. But the council had no inclination to truſt the heir of England with thoſe who had ſhewed ſo little kindneſs to the father, and had originally fomented the rebellion. Therefore the Lords Capel and Colepepper were ſent with the Prince's excuſe to his mother; and, to allay her fears, were inſtructed to tell her in his name, that he had great reaſon to believe this iſland to be defenſible againſt a greater force than he ſuppoſed probable to be brought againſt it: that the inhabitants expreſſed as much cheerfulneſs, unanimity, and reſolution for the defence of his perſon, by their whole carriage, and particularly by a proteſtation voluntarily undertaken by them, as could be deſired: and that if, contrary to expectation, the rebels ſhould take the iſland, he could from the caſtle (a place in itſelf of very great ſtrength) with the leaſt hazard remove himſelf to France, which in caſe of eminent danger he reſolved to do [2]. The good Queen had ſuffered herſelf to be deluded by the arts of Cardinal Mazarin, who about this time began to intrigue with Cromwell. They wanted the Prince in France to make their market of him, and drive the better bargain with England, according as conjunctures ſhould fall out, and times might vary. No promiſes were ſpared on their part to decoy him over to them, not one of which they meant to keep, as the Prince quickly found, when vanquiſhed by his mother's importunities, and at laſt by her moſt preremptory command, he went and put himſelf into their hands. How little he was conſidered or aſſiſted, nay, how much ſlighted and diſregarded, is too unpleaſant to dwell on; but it has often been my admiration, that after he was reſtored to his kingdoms, he would ever put any confidence in ſo falſe and ſo faithleſs a court. The time of his abode with us was about two months; but we had the honour of his preſence again when he was King. Thoſe of the council

[1] Hiſtory of the Rebellion, Vol. III. Part I. pag. 4. Edit. 8°.
[2] Hiſtory of the Rebellion, Vol. III. Part I. pag. 7. Edit. 8°.

who

BRITISH
15 AP 1908
MUSEUM

ELIZABETH CASTLE, JERSEY.

Published as the Act directs by J. Harris.



who could not approve of his going to France, ſtaid here longer; but Lord Clarendon (whom I ſo call by anticipation) longeſt of all, even no leſs than five and twenty months: and that reſpite from attendance he employed in making a farther progreſs in the incomparable hiſtory he has left us, begun ſome years before, but often interrupted through the great agitations of his life. Having acquainted the King with what he was upon, he received his Majeſty's thanks, and ſoon after memorials of diverſe important paſſages under his Majeſty's own hand, or reviewed and corrected by him[1]; and thoſe enabled the author to relate with greater aſſurance things tranſacted whilſt he was at a diſtance from them, viz. whilſt he was with the Prince in the Weſt; nor could he deſire better information of the truth of thoſe affairs than from his Majeſty himſelf. 'Tis a pleaſure to me to mention theſe particulars, becauſe methinks there is an honour reflected on this iſland from that immortal work having been, at leaſt in part, compiled amongſt us, and written (as I may ſay) with Jerſey ink. His reſidence was in Elizabeth Caſtle, with his friend Sir George de Carteret; and there I have ſeen ſtill ſtanding (and looked on with a ſort of veneration) the humble houſe[2] where that great and good man ſpent the foreſaid five and twenty months on that work; the houſe, in memory of him, retaining a long while after the name of *la Maiſon du Chancelier*. In May 1648 he was recalled to wait again on the Prince, now preparing to go for Holland, abundantly convinced of the emptineſs of French proteſtations and promiſes.

ELIZABETH CASTLE, JERSEY.

This Caſtle ſtands on a ſmall iſland about three quarters of a mile ſouth weſt of the town of St. Helier's, from whence at low water there is a dry paſſage over the ſands called the Bridge; by the natives it is vulgarly called le Chateau de l'Iſlet, or ſimply l'Iſlet, or Little Iſland. The ſpot whereon it ſtands was once the ſcite of a monaſtery of canons regular of the order of St. Auguſtine, built in honour of St. Helier, a martyr, murdered by ſome Pagan Normans, or, as others ſay, Vandals. A ſmall ruin, called the Hermitage, ſaid to have been his retreat, is ſtiil remaining on a rock ſouth of the caſtle. The remains of the church of this monaſtery, Falle ſays, was yet in being within his remembrance; indeed its choir was a long time kept up for a chapel to the caſtle, but was deſtroyed to make room for lodgments and to enlarge the parade.

[1] Hiſtory of the Rebellion, Vol. III. Part I. page 70. Edit. 8°.

[2] It ſtood in the Lower Ward of the Caſtle, adjoining to the chapel, all which ancient buildings are now demoliſhed.

The

The ſame author further adds, that there was a tradition that all the land between the caſtle and the town, now overflowed by the ſea, was one rich meadow.

This caſtle was firſt projected in 1551, the fifth of Edward VI. in purſuance whereof all the bells in the iſland, except one in each church, were ordered to be taken down and ſold to defray part of the expence; and it is reported, that the ship loaded with theſe bells, which it was tranſporting to St. Maloes for ſale, ſuddenly ſunk going out of the harbour; this was by many deemed a puniſhment for what they call ſacrilege. Whether on this account or ſome other is not now known, the building did not take place till the next reign, when, anno 1586, under the regency of the Paulets, the upper ward was built, and named Elizabeth caſtle, in honour of that Queen; every houſe in the iſland contributing four days work towards its conſtruction. The lower ward was built in the reign of King Charles the Firſt, about the year 1636. Charles Fort was added during the troubles; and laſt of all the Green was walled in, anno 1665, on the apprehenſion of a French war. This fortreſs is of a very irregular form, adapted to the ground on which it ſtands. It is divided into three wards, the outer, the lower, and upper.

The entrance is on the north ſide through a gate in the angle formed by a kind of curtain and the outer wall of Charles's-Fort. This curtain is likewiſe flanked by another irregular baſtion on the eaſt. Entering this gate on the right, is the guard room, and paſſing through the ſecond gate you come into a large area, having on its weſt ſide a battery for fifteen guns, and on the eaſt the old ruined barracks. This is the outer ward, which, beſides the battery and works here mentioned, has alſo two other baſtions near its center, and oppoſite each other. This ward was built after the reſtoration, when Sir Thomas Morgan was governor. The walls being laid with loam inſtead of mortar are very much decayed. Leaving the outer ward another gate leads into the lower ward, alſo defended by ſeveral baſtions and half baſtions, having ſomewhat the appearance of a crown work, when viewed from the eaſt. Here are the barracks, built in the year 1735 and 1755, the ordnance-yard, ſtore-rooms, powder magazines, maſter gunner's houſe, cantin, mainguard, and other buildings.

The upper ward, or Elizabeth's caſtle, ſtands on a rock. In it was the governor's houſe and other offices, lately in ruins, alſo the ſaluting platform, with its magazine.

Anno 1651, this caſtle was beſieged by the parliament's forces, and long valiantly defended by Sir George de Carteret, till a powder magazine in the vault of part of the

old church being ſet on fire by a bomb, did great damage and deſtroyed a number of people, and ſo diſheartened the reſt, that they began to think of a ſurrender; and King Charles, unable to procure them any aſſiſtance from France, adviſing and directing the governor and garriſon to make the beſt conditions poſſible for themſelves; theſe conſiderations, with a want of proviſions, induced de Carteret to ſurrender, when he and his garriſon marched out with the honours of war. This was the laſt fortreſs which held out for the king.

Few days after the prince had landed in Jerſey, the king went to the Scots army before Newark, and from his coming among them we are to date the long and cruel captivity he underwent, never from that time to his death having had the freedom of his perſon. I ſhall not follow him from one durance and confinement to another, and only obſerve that when his majeſty made his eſcape from Hampton Court, and ſought a place where he might ſecurely repoſe his weary head, he ſeems to have had Jerſey in his view; for that at his coming to the ſea ſide, i. e. Southampton River, where embarkations for theſe iſlands are uſually made, he aſked where the ſhip was that ſhould tranſport him [1]? How, inſtead of that, he was carried to the Iſle of Wight, and there immured, and made a cloſer priſoner than ever; how, I ſay, he was carried thither, whether by involuntary error, or deſigned and concerted treachery, has been hitherto a myſtery, and will probably remain ſo, until the day appointed for the manifeſtation of ſecrets; and then ſhall every dark counſel and contrivance formed to deſtroy him, though hatched and laid as deep as hell, be brought to open light, and meet with its deſerved reward. Neither were they contented with their barbarous uſage of him in Cariſbrook Caſtle, where his life was threatened with poiſon and piſtol [2]; but as if his reſtraint there had not been ſevere enough, they transferred him to Hurſt Caſtle, a moſt unhealthy place, without freſh water, annoyed with the ſtinking vapours and ſmoke that ariſe out of the neighbouring marſhes and ſalt pans; and withal ſo ſtraitned for lodgment, that this great king had hardly there the conveniences which many an ordinary criminal finds in a common jail. The world ſtanding in a maze what they intended next to do with him, their meaning was ſoon known to be, from that loathſome priſon to lead him to a ſcaffold, which indeed to him might be thought a deliverance. But when the report of ſo monſtrous and unheard-of a wickedneſs came to us in Jerſey, it ſtruck us all with horror; and there appeared a zeal and forwardneſs in many of our braveſt and moſt reſolute

[1] Hiſtory of the Rebellion, Vol. III. Part I. page 84. Edit. 8°.
[2] Ibid. page 231, &c. where ſee the Account of Kolph's Plot to murder the King.

iſlanders, to endeavour, at the peril of their lives, to reſcue the captive king, by ſurprizing the caſtle. The thing, though difficult and hazardous, was not thought abſolutely impoſſible; becauſe, as all ſhips from theſe parts and from the weſt going into the port of Southampton, muſt and do of courſe paſs cloſe by this caſtle, ſo it was preſumed that four or five veſſels of this iſland, with a ſufficient number of choſen hands concealed under the hatches, might come ſo near without creating a jealouſy, as to give opportunity to the men to ſally forth ſuddenly, and ſcale the walls. For ſome years after the Reſtoration, when the paſt evil times were freſh in men's memories, and more the ſubject of diſcourſe than they are now, I well remember to have heard ſuch a deſign talked of among our people, and gloried in as an inſtance of our loyalty, at leaſt in purpoſe and intention, but was yet too young to enter into an affair of that nature. So that how far the deſign was purſued, or what hindered the execution of it, I cannot take upon me to ſay. 'Tis poſſible the king's being hurried to his trial, before things could be got in a readineſs, might cauſe the ſame to miſcarry. But this I may with confidence affirm, that there was nothing within our power which we would not moſt gladly have done to ſave his precious life. And 'tis no ſmall comfort and ſatisfaction to us even at this day, that at whoſeſoever door the guilt of that righteous and innocent blood may lie, we of this iſland have no otherwiſe contributed to the ſhedding of it than by our ſins in general, which added to the ſins of the nation (a dreadful load!) pulled down that heavy judgment on us all.

When the horrible blow was given which laid the head of the royal martyr, and with it the crown and monarchy, in the duſt, the prince was at the Hague, in a moſt forlorn and deſolate condition. He ſaw his inheritance ſeized by traitors and parricides, and all men forbidden to own, aid, or abet him, on pain of death. But in this iſland we deſpiſed their threats, and his (now) majeſty

King Charles II. was readily and ſolemnly proclaimed, with all his titles. Naked and empty titles, without means of ſubſiſtence! How little regard other crowned heads had to his neceſſities and diſtreſs, 'tis a ſhame to ſay. His preſent only ſupport was from the generoſity of the Prince of Orange, who had married his ſiſter, the father and mother of our great King William. There was not a court in Europe where he could promiſe himſelf to be received and treated with dignity; and if ſuffered ſome time in Holland, it was owing to the credit and intereſt of the foreſaid prince his brother-in-law. But when they heard there of a threatening embaſſy coming from the new-fangled Commonwealth in England, they were impatient to have him gone; fearing to provoke that inſolent crew of men, who by not ſparing their own king, and having ready at command

mand an army of hot-brained enthuſiaſts, fluſhed with blood, were become terrible to all the neighbouring powers. Once his majeſty thought of trying his fortune in Ireland, but all hopes failing of doing any good there, he laid that deſign aſide. To Scotland he was invited, but upon terms ſo derogatory to his honour, and offering ſuch violence to his conſcience, that he could not yet bring himſelf to ſubmit to them, though afterwards he did, through the inducement and over-perſuaſion of others. In this perplexity, not knowing whither to bend his courſe, he remembered his loyal little iſland of Jerſey, which two years before had afforded him ſo ſeaſonable a retreat, when he could ſet his foot no where on Engliſh ground with ſafety. He now therefore reſolved to viſit it again, and there reſt himſelf, waiting with patience on the good providence of God for a change in his affairs. It was in autumn that his majeſty came to us, and he ſtaid with us till the ſpring following. As he found us the ſame dutiful people, ſo we him the ſame eaſy, humane, affable prince; which perhaps needed not be mentioned, it being the known character that diſtinguiſhed him all his life. None were denied acceſs to him, neither did he diſdain invitations and entertainments from our little gentry, whom of himſelf he would ſometimes honour with a viſit at their habitations, as he rode about the iſland. With all parts of which he grew ſo well acquainted, that (having ſome ſkill in the mathematics) he drew a map of it with his own hand, intending no doubt to keep the ſame in remembrance of a place where he had enjoyed more peace and quiet, than hitherto any where elſe within or without his dominions. The map at preſent is, I know not how, got into the Heer Van Adlerſhelm's Cabinet of Curioſities at Leipſic in Saxony, where it is ſhewn to travellers [1]. At his firſt being here, he had given order for the conſtruction of a fort, to be in the nature of an outwork to Elizabeth Caſtle, which finding now perfected, he would have it called by his own name, Charles Fort. It has been ſince incorporated with the caſtle, by incloſing with walls and ramparts a long ſlip of ground which parted them.

The Scots informed of the king's abode in this iſland, followed him hither with meſſages, praying him to come nearer to them, for the better convenience of treating, this place keeping him and them at too great a diſtance from each other. Whereupon his majeſty left us, but ſo ſatisfied with the hearty and chearful reception he had found among us, that as long as he lived he was pleaſed to retain a generous ſenſe of it. To enquire now by what counſels he was drawn into Scotland, aud how uſed when he came there, would be going too far out of the way. 'Tis enough to ſay, that acknowledged

[1] Dr. Brown's Travels, page 172.

at laſt as he was for their king, and with an army of that nation marched into England, in hopes to be joined by his more truſty friends, the royaliſts in this his other kingdom. Which expectation failing in great meaſure through various accidents, and a battle enſuing, that army of Scots was put to the rout, and his majeſty forced to abſcond for the ſaving of his life, a price being ſet upon his head. After two long months wandering from place to place, in continual danger of being diſcovered, by the neceſſity of truſting his perſon in many unknown hands, it pleaſed God to open a door for him to eſcape and get ſafe beyond ſea. And ſo wonderful was the deliverance, in all the circumſtances of it, that we may ſearch in vain every hiſtory from the beginning of the world for an example of ſuch another.

During thoſe tranſactions, the uſurping powers in England were making great preparations for the reducing of this iſland; enraged at our owning and harbouring the king n defiance of them, and alarmed at the taking of ſo many of their traders by our privateers [1], who continued cruizing in the Channel, and were grown ſo bold as to make captures in the very harbours. And for this, we who had the king's commiſſion to warrant what we did, muſt forſooth be called pirates, by thoſe, than whom there never were more lawleſs and impudent free-booters; having no authority but from themſelves, that is, none at all; who had robbed one king of his life and crown, another of his birthright and inheritance, and the whole nation of its peace and happineſs. They called us pirates, by the ſame figure that they hanged for traitors the king's moſt faithful ſubjects; whilſt they themſelves, by daily accumulating one treaſon upon another, had a hundred times forfeited their lives to the laws. Such bold abuſe of language, which con-

[1] Whitlock's Memorials, &c. ad An. 1650. Feb. 21. Letters that ſeveral merchantmen have been taken on the Weſtern coaſt by the Jerſey pirates.——Feb. 26. Letters that two Dutchmen laded with ſalt, came to an anchor within half a league of Dartmouth Caſtle. That preſently after two Jerſey pirates came up with them, cut their cables, and carried them away. That the caſtle ſhot at them, but could not reach them.——March 1. Letters of Jerſey pirates very bold upon the Weſtern coaſt.——March 6. Letters of ſeveral ſhips taken by the pirates of Jerſey.——March 15. Of the want of frigates upon the Weſtern ſeas to keep in the pirates of Jerſey.——March 17. Of the Jerſey pirates taking ſeveral merchant ſhips, and none of the parliament frigates to help them.——March 19. Letters of piracies committed by thoſe of Jerſey.——Nov. 30, 1651. Letters that the Jerſey pirates took two Dartmouth ſhips, and three other ſhips.——April 17. Letters of the Jerſey pirates taking two barks laden in ſight of Portland.——April 21. Of more prizes taken by the Jerſey pirates, and of Captain Bennet's fighting with two of them four hours.——July 14. That five Engliſh veſſels were taken by boats of Jerſey, carrying four or five guns apiece.——July 18. Letters of two prizes taken by a Jerſey frigate of eight guns, twenty-four oars, and eighty men; and that there were twelve of thoſe frigates belonging to Jerſey.——Auguſt 7. Letters of much damage done by the Jerſey pirates.——Sept. 27. Letters of the Jerſey pirates doing much miſchief upon the Weſtern coaſt, &c.

founds

founds all notions of right and wrong, ſhews any ſet or party of men among whom it prevails, deſperately wicked, and ſold to iniquity.

In October 1651, the armament fitted out againſt us put to ſea, under command of Admiral Blake, whilſt Major-General Haines had in particular charge the forces appointed for the deſcent. The twentieth of that month [a], four ſcore ſails (which were but part of the fleet) appeared in ſight of the iſland, and the ſame day came to an anchor in St. Oûen's Bay. That bay lies open to a weſterly wind, which here blows at leaſt one half of the year, and when raiſed to a ſtorm, rolls in ſuch a ſea as no ſhips can ſtand againſt, without danger of periſhing every moment. But the ſame unaccountable ſucceſs which uſed to attend the rebels at other times, attended them alſo now. All the while they lay in this bay they had ſuch ſmooth water, that in the memory of man the like had not been known in ſo advanced a ſeaſon. This ſomewhat ſtartled our people, but nothing in compariſon of a diſmal report which on a ſudden flew about the iſland, of the King being priſoner, and at the mercy of his enemies. We had heard of the battle, yet ſtill hoped well of his Majeſty's perſon. But now ſorrow and deſpair might be ſeen in every face. The moſt diſpirited began to cry out, that it was in vain to contend any longer with powers, who like a torrent bore down all before them. And what good would the ſacrificing of ourſelves do the King now, when perhaps he was no more, and had already undergone his bleſſed father's cruel fate? For what elſe was to be expected from thoſe bloody miſcreants into whoſe hands he was fallen? Here it was that Sir George de Carteret had need of all his authority, and of the great reſpect which every body paid him, to keep many from laying down their arms. Nor peradventure would that have done, had he not by prudently concealing his own fears, and putting on an air of unconcernedneſs, diſcredited that report among the troops; who watched his looks, and ſeeing no alteration there, concluded that he, who muſt know more than they, believed nothing at all of the ſtory. By that means he raiſed their ſpirits again, and brought them on to face the enemies.

Theſe lay quiet all that day, and the night following. But the next day, October 21, early in the morning, their cannon began to play, which was anſwered by that on ſeveral little forts and redoubts in the bay, and by four and twenty field pieces always following the militia upon a march. Some of the leſſer frigates advanced ſo near the ſhore as to bring both parties within a diſtance to ply their ſmall arms; our men boldly wading

[a] Relation de la priſe de l'Iſle & des Châteaux de Jerſey, par les rebelles d'Angleterre. MSS.

into

into the water to meet the enemies, returning their fire, and calling them aloud rebels, traitors, and murtherers of their King. This laſted four hours, after which the whole fleet drew off, and went to St. Brelade's Bay (about a league from that of St. Oûen) where being anchored, they ſent back a ſquadron to St. Oûen, and others towards St. Aubin's Bay, St. Clement, and Grouville [a]; meaning to tire and diſtract our troops, by making a ſhew as though they intended to land in all thoſe different places at once; and accordingly ſeveral companies were detached to wait on their motions; the main body of the fleet lying ſtill in St. Brelade's Bay, and the beſt part of the camp there likewiſe to obſerve it.

October 22, a little after midnight, the enemies at St. Brelade were perceived to ſhip off in ſeveral flat-bottomed boats, which they had brought for that ſervice, ten or twelve battalions, to the number (as was conjectured) of about four thouſand foot, in order to make a deſcent, which they attempted by break of day, under the covert of their ſhips, which approached as near to the land as the nature of the place would give leave, ſparing neither powder nor ſhot on that occaſion. But ſeeing themſelves beaten from two ſmall forts that had been raiſed in the bay, and the iſlanders drawn up on the ſands in a poſture to receive them, they thought fit to retire to their ſhips, which forthwith weighed anchor, and returned to St. Oûen, leaving only nineteen men of war in St. Brelade's Bay.

This obliged the governor to follow them again to St. Oûen, after he had poſted ſome companies of the militia, his own company of fuzeliers, and all the dragoons, to oppoſe thoſe that remained at St. Brelade. The enemies being come to St. Oûen, directed their courſe northwards, to L'Etac, the fartheſt point of that bay, as if they meant to land there, whither they were accordingly followed by the iſlanders. But it ſoon appeared their deſign was only to harraſs our troops; for they ſuddenly tacked about, and ſteered to the oppoſite point; which motion was likewiſe attended by our forces on ſhore: the enemies playing all the while furiouſly with their cannon, which was anſwered in the ſame manner as the day before.

The night coming on, it was thought neceſſary to ſend the troops, which had now been three days and two nights under arms, exceedingly fatigued with ſo many marches and counter-marches, and much incommoded by a ſmall rain that had not ceaſed to fall

[a] Here 'tis convenient to look into the map.

ever

ever ſince they were in action, to refreſh in the neighbouring villages; the indefatigable Governor, with a ſmall body of horſe, not departing all the while from the ſhore. It muſt not be forgot, that the enemies were that day reinforced by a ſquadron of freſh ſhips, which joined the fleet a little before night.

That fatal night, which proved extraordinary dark, and under the favour of it, the enemies landed a battalion; which, as ſoon as diſcovered, was with great bravery and reſolution charged by the Governor and the horſe he had with him. The charge was bloody and deſperate [1], many of the enemies being killed and wounded [2]. But others poured on ſo faſt, that the infantry, diſperſed along the coaſt for refreſhment, as was ſaid before, had not time to come in, and ſuſtain the horſe; which certainly did wonders, by the confeſſion of the enemies themſelves, who have often ſaid that they could not have ſtood ſuch another charge. And now all farther oppoſition ceaſing, there followed a general landing of the rebel army; and the very next day, October 23, ſo furious a tempeſt aroſe from the weſt, that if they had not by ſuch lucky and timely reduction of the iſland, gained a retreat for their fleet into the ports, the greateſt part of it muſt in all appearance have periſhed; as it happened to one of their ſtouteſt ſhips, which was daſhed to pieces againſt the rocks, and not a man ſaved of three hundred that were in it. Though they were yet maſters only of the open country, and not of the caſtles, the news of that ſucceſs was received with great joy by the men ſitting in St. Stephen's Chapel, and a public thankſgiving ordered thereupon [3].

The fort of St. Aubin, which commands the harbour of that name, might have proved a hinderance to the fleet's taking ſhelter there. The firſt thing therefore the enemies very wiſely did, after they were landed, was to attack the ſaid fort. And though Sir George, who knew how important the preſervation of it was at that critical hour, had given a moſt ſtrict charge to the officer and ſoldiers in it to hold out to the laſt extremity, he was ill obeyed, and with grief ſaw the place yielded up almoſt as ſoon as ſummoned. The MSS. relation [4] from which I extract theſe particulars, im-

[1] Whitlock's Memorials. an. 1651. Oct. 30. Letters that Colonel Haines with his forces anchored at Jerſey. They were deſperately charged by a body of horſe.

[2] Among the ſlain on our ſide, was Colonel Bovil, a gallant officer, much regretted by Sir George.

[3] Whitlock, ut ſupra, Nov. 3. The Parliament ordered that the Miniſters of London and Weſtminſter do on the fifth of November next, in their ſeveral congregations, give thanks to God for the gaining of Jerſey iſland.

[4] La priſe de cette place leur ſauva toute leur flotte, que la tourmente qui s'eſleva le lendemain eût indubitablement fait perir, ſi elle ne ſe fuſt miſe a couvert comme elle fit dans le port de Saint Aubin.

putes the utter loſs of the iſland to that too precipitate and haſty ſurrender; reaſonably ſuppoſing, that the enemies' ſhips, quitting St. Oüen's Bay to come into St. Aubin's, for ſecurity againſt the ſtorm, could never have kept upon their anchors betwixt the two fires of Elizabeth Caſtle and of that fort.

Nor did Mont-Orgueil make a much better reſiſtance, which may ſeem ſtrange after the account given above of this caſtle. But, alas! it was no longer the ſame, as in thoſe ancient times when a conſtable of France with ten thouſand men beſieged it in vain.

GOWRAY, OR MONT ORGUEIL CASTLE[1].

This fortreſs was called Gowray caſtle from the adjacent village of that name; the preſent appellation of Mont Orgueil is derived from the proud or lofty promontory on which it is ſituated, a title, according to the vulgar tradition, given it by Henry V. but this opinion Mr. Falle corrects in his ſecond edition of his hiſtory of this iſland, and there attributes it to the Duke of Clarence.

Neither the age nor founder of this building are aſcertained; common report gives its conſtruction to Robert Corthouſe, ſon of William the Conqueror, who is ſaid to have built moſt of the caſtles in this iſland, and alſo that of Guernſey. It however was in being, and occurs in hiſtory, as early as the reign of King John. Falle ſays it was already then, and had been long before, a conſiderable fortreſs; and as that King repaired and ſtrengthened the fortifications here and at Guernſey, Gowray caſtle, the principal ſtrength and boaſt of the iſland, though not mentioned particularly, was undoubtedly not neglected. In the reign of Edward III. this caſtle was more than once attacked by the French, who were always repulſed, In one of theſe attacks the governor, Drogo de Barentin Seigneur de Roſel, was ſlain; he was ſucceeded in his command by Renaud de Carteret, a valiant and experienced ſoldier.

A manuſcript in the library of Thomas Aſtle, Eſq; has the following account of the garriſon of this caſtle, together with their pay, in the 15th year of that King's reign:

Henry de la More, lieutenant of the caſtle of Gurry, per diem twelve pence ſterling.

Six men at arms at twelve pence ſterling per day.

[1] Groſe Vol. 8. page 187.

Six



Mont Orguel Castle, Jersey.

Pubd by S. Hooper 1777

BRITISH
15 AP 1908
MUSEUM

Six other men at arms at ſixpence ſterling per day.
One hundred archers at threepence ſterling per day.

The latter end of this reign this fortreſs was again attacked by Bertran du Gueſclin, conſtable of France, at the head of an army of 10,000 men, wherein was the Duke of Bourbon, and the flower of the French army. The ſiege was carried on with great ſkill and vigour, and as gallantly defended; ſome of the outer works were thrown down by ſap; when at length, to ſave the effuſion of blood, it was agreed, that if it was not relieved before the next Michaelmas, the beſiegers ſhould be put in poſſeſſion. On this the conſtable retired, and the caſtle was relieved within the ſtated time by a fleet from England. In the reign of Henry IV. after the naval victory gained over the Engliſh fleet by the Admiral of Bretagne, the iſland was invaded by the French, but they not being provided with things neceſſary for a ſiege, it ſeems doubtful whether they attacked this caſtle. In the time of Henry V. this edifice was repaired, and, as has before been obſerved, received the name of Mont Orgueil, which it has ever ſince borne. It was at this time conceived to be of ſuch importance, that according to D'Argentre, no Frenchman was ſuffered to come within the gate without being firſt blindfolded. Towards the latter end of the reign of Henry VI. it was under the pretence of a ſurprize delivered up to Surduval, for the Count de Maulevrier, Chaimberlain of France, in conſequence of an agreement between him and Queen Margaret, as a reward for the aſſiſtance he had afforded her huſband Henry VI. in England. Maulevrier proclaimed himſelf Lord of the Iſlands of Jerſey, Guernſey, Alderney, &c. as holding it feudally from the King of France.

On the acceſſion of Edward IV. a plan was laid for expelling the French who occupied the caſtle and ſome other parts of the iſland; a fleet appeared before it, and Philip de Carteret, Lord of St. Ouen, beſieged it by land, and at length obliged it to ſurrender. In the reign of Queen Elizabeth, when Elizabeth caſtle was built, ſome repairs ſeem to have been done here; her arms, with thoſe of the Paulets, and the date 1593, being placed over a gate in the inner ward.

Anno 1637, Auguſt 5, W. Prynne was ſent priſoner to this caſtle, where he remained till November 19, 1640; he has deſcribed and celebrated it in a copy of verſes intituled, "A Poetical Deſcription of Mount-Orgueil Caſtle, in the iſle of Jerſey, interlaced with ſome brief meditations from its rocky, ſteep, and lofty ſituation." Scarce — v. p. 66.

In the civil wars, anno 1651, this caſtle, which had long been held for the King,

was beſieged and taken after a ſhort reſiſtance by Haines the republican general; the trifling defence it made is owing, as is reported, to its then being much out of repair, it having been neglected in favour of Elizabeth caſtle.

As Prynne's poetical view of this caſtle affords a very good general idea of its appearance, and the book is ſcarce, the deſcriptive part is here tranſcribed:

Mont-Orgueil caſtle is a lofty pile
Within the eaſtern parts of Jerſey iſle,
Seated upon a rocke, full large and high,
Cloſe by the ſea-ſhore, next to Normandie,
Neare to a ſandy bay, where boats doe ride
Within a peere, ſafe both from wind and tide
Three parts thereof the flowing ſeas ſurround,
The fourth (north-weſtwards) is firme rockie ground.
A proud high mount it hath, a rampier long,
Foure gates, foure poſternes, bulwarkes, ſconces, ſtrong;
All built with ſtone, on which there mounted lie
Fifteen caſt pieces of artillery,
With ſundry *murdering chambers*, planted ſo,
As beſt may fence itſelf, and hurt a foe;
A guard of ſoldiers (ſtrong enough til warre
Begins to thunder) in it lodged are,
Who watch and ward it duly night and day,
For which the King allows them monthly pay;
The Governour, if preſent, here doth lye,
If abſent, his lieutenant-deputy;
A man of warre the kays doth keepe, and locke
The gates each night of this high towering rocke.
The caſtle's ample, airy, healthy, and
The proſpect pleaſant both by ſea and land,
Two boyſtrous foes, ſome times aſſault with loſſe
The fortreſſe which their progreſſe ſeems to croſſe,
The raging waves below, which ever daſh
Themſelves in pieces, whiles with it they claſh, &c. &c.

Ever

Ever ſince Elizabeth Caſtle had been made the reſidence of the Governor, the chief care was laid out upon that, and very little done to ſupport this. It had eighteen guns mounted, with five iron murderers, when Major-General Haines ſat down before it, as I find in the relation he ſent to his maſters. Beſides, no news coming yet of the King, men's hearts were thereby ſo brought down, and their hands weakened, that 'tis rather a wonder any reſiſtance at all was made, when people could not now tell for whom they fought and expoſed their lives.

The enemies, to complete their victory, had the hardeſt taſk ſtill remaining behind, viz. the gaining of Elizabeth Caſtle. This they muſt not look to have as cheap as they had the others. Sir George had ſhut himſelf up in it, reſolved upon a defence worthy of his courage, and of the goodneſs of the cauſe in which he was engaged. With him there went in ſundry prime perſons of the iſland, magiſtrates, clergymen, and others, deſirous to give proofs of their loyalty to the laſt. The garriſon conſiſted of three hundred and forty men muſtered for ſervice, with proviſions for eight months in proportion to the ſaid complement. As for the caſtle itſelf, the deſcription of it belongs to another place[1], and thither I refer that. After a previous and peremptory ſummons from the commander of the rebels, and ſuch an anſwer from the governor as became him to give, the cannon was pointed againſt the caſtle. It could be brought no nearer than St. Helier's Hill, at the diſtance of ſix hundred ſixty three geometrical paces, *i. e.* of about three quarters of a mile, all betwixt the hill and the caſtle being ſea or ſand, without firm ground whereon to raiſe batteries. One may judge that firing from ſuch a diſtance could not much damage the walls. All the harm done in many days from the continual fire of twelve thirty-ſix pounders, amounted to no more than beating down ſome parapets, which were ſoon made up with turf. It was now far in November, and then the joyful news came of the King's ſafe arrival in France. Whereupon Sir George diſpatched Mr. Poindextre to congratulate His Majeſty on his miraculous deliverance, and inform him of the enemies progreſs, with the ſtate of the garriſon.

A poor fellow, brought in by a party that had been ſent out for intelligence, and aſked what the enemies were doing, ſaid, they were with great labour drawing up St. Helier's Hill two monſtrous guns, the like whereof had never been ſeen in the country. It was eaſily underſtood what thoſe monſtrous guns were, viz. two very large

[1] The Chapter of Military Government.

mortars, which being fixed, threw ſhells into the caſtle of near thirty inches diameter. One particularly happening to fall upon the church, did moſt dreadful execution. This was the old church of the Abbey of St. Helier, ſubſiſting ſtill in part, and having under it a magazine, in which, among great quantities of other ſtores and proviſions, were laid twelve barrels of powder for the ſervice of the artillery in the lower ward. The bomb broke through two ſtrong vaults, and ſetting the powder on fire, ſcattered ruin and deſolation all around, deſtroyed the proviſions, and (which was moſt lamentable) killed outright forty of the beſt ſoldiers of the garriſon, beſides armorers, carpenters, and other workmen uſeful in a ſiege. So terrible a blow, and unexpected, cauſed a great conſternation in the place, and gave occaſion to ſome, more faint-hearted than the reſt, to talk of ſurrendering. Such diſcourſe could not be pleaſing to Sir George, who by his prudence quieted all for the preſent; yet found it neceſſary to acquaint the King with this new incident, and withal crave aſſiſtance, if ſo be His Majeſty could prevail with the Court of France to grant it; and with this meſſage he ſent his chaplain, the reverend Mr. Durel[1], Mr. Poindextre not being yet returned.— The King's anſwer was to this effect: "That all his ſolicitations at that Court had been in vain, and would ſtill be ſo though repeated never ſo often, ſuch a conjunction there was of counſels and intereſts betwixt Cromwell[2] and the Prime Miniſter Cardinal Mazarin; adding, that he would not deceive him with a promiſe of ſuccour, which he was in no condition himſelf to give, nor could obtain from others; that he relied on his known experience and ability to do what to him ſhould ſeem moſt proper; yet adviſed him, rather to accept of a reaſonable compoſition whilſt it might be had, than by too obſtinate a defence bring ſo many loyal gentlemen with himſelf into danger of being made priſoners of war." Sir George ſeems to have had a noble ambition that this ſhould be the laſt of the King's garriſons that bent under the power of the rebels, as in fact (I think) it was the laſt. Therefore ſeeing the caſtle ſtill tenable, no breach made, no diſpoſition of the enemies for an attack, he reſolved to keep them out at leaſt ſome time longer, and concealed the King's permiſſion to treat, leſt the knowledge of it ſhould renew the cry for a ſurrender. And ſo the ſiege went on as before. But at length proviſions growing ſhort, the number of defendants leſſening daily dy death and deſertion, and no poſſibility left of procuring ſupplies or recruits of either, he called a council of officers, and laid the King's letter before them. It was then concluded to yield to neceſſity, which the braveſt men in the courſe of a war are often forced to do, without loſs of reputation. In ſhort, the garriſon

[1] Dr. Durel, a native of the iſland, afterwards Dean of Windſor, &c.

[2] Cromwell was not yet Protector, but in reality had as much power as if he had been already ſo.

marched

marched out upon equal and honourable terms, and by the reddition of the place, the enemies became maſters of the whole iſland. As for Sir George he went to Paris, to give the King a more perfect account of all that had paſſed in this affair, and then ſettled with his family in France, where he remained under many mortifications, ſays Lord Clarendon [1], by the power and proſecution of Cromwell, till His Majeſty's happy reſtoration.

Guernſey had ſome years before ſubmitted to the uſurpers, ſave Cornet Caſtle, which ſingly ſtood out for the King. This occaſioned a ſort of inteſtine war in that iſland, the caſtle and the town exchanging many ſhots at each other. But when all hopes vaniſhed of doing His Majeſty ſervice by a farther reſiſtance, that noble caſtle alſo opened its gate to the rebels; who in this ſame year, 1651, (ſo fatal to theſe iſlands) made an end of ſubduing the royal party every where entirely.

There had been no ſmall apprehenſion in England, leſt the King, urged by his neceſſities, ſhould be induced to put theſe iſlands into the hands of the French, for ſecurity of ſuch ſums of money as they would then very readily have furniſhed him with. And that ſuch a thing was in agitation, Whitlock tells us the men at Weſtminſter had advice by letters from abroad; nay, he ſays, thoſe letters ſpake not of a ſimple conſignation only, but of an abſolute ſale [2]. It cannot be denied, but the King had it in his power to have ſo diſpoſed of theſe iſlands, if he had pleaſed; and had met with provocations more than enough from a rebellious kingdom, to juſtify almoſt any meaſures he could have gone into to its hurt and prejudice. Now ſuppoſing ſuch counſel to have been ſuggeſted by ſome about him, the event however ſhews that His Majeſty generouſly rejected it, and, in the words of our great author [3], "was ſo ſtrict and punctual in his care of the intereſt of England, when he ſeemed to be abandoned by it, that he choſe rather to ſuffer thoſe places of great importance to fall into Cromwell's power, than to depoſite them, upon any conditions, into French hands; which he knew would never reſtore them to the juſt owner, what obligations ſoever they entered into." None underſtood better than the King, who had ſo long reſided in one of them, how much it concerned England, that the French ſhould never have any thing, on any pretence, to do with theſe iſlands; and it ſhews the greatneſs and nobleneſs of his mind,

[1] Hiſt. of the Rebellion, Vol. III. Part II. page 466.

[2] Memor. ad an. 1651. Letters that Jermyn and Grenvil were ſent to Paris, to adviſe about ſelling of Jerſey to the French.

[3] Hiſt. of the Rebellion, Vol. III. Part II. page 465.

no

no leſs than his wiſdom and forecaſt, in that, ſtifling his juſt reſentment, he would truſt his moſt deadly enemy with them, rather than that nation. By being in Cromwell's hands, they would remain to the Crown, that Crown to which His Majeſty doubted not but God in his good time would reſtore him; whereas if once poſſeſſed by the French, they would be loſt irrecoverably. As to our particular intereſt in this affair, no greater calamity could have befallen us than ſuch a tranſaction with France. Then indeed we had been undone for ever. But having an entire confidence in His Majeſty's honour and declared affection for us, it never entered into our thoughts that he would pledge or ſell us to our old enemies, and purchaſe their aſſiſtance at the price of our ruin; and ſo were exempt of thoſe fears and apprehenſions which diſturbed others, conſcious of their guilt and demerits towards him.

We were now fallen under the arbitrary rule of tyrants, whoſe little finger we found heavier than the loins of our rightful Kings; witneſs the ſequeſtrations, compoſitions for eſtates [1], diſqualifying for offices, impoſing of ſinful oaths and engagements, and other vexations, which followed upon our being made their conqueſt, or rather their prey. Haines ſought out thoſe who were reputed to have money, and kept them in arreſt, till he had extorted a ranſom from them [2]. Five thouſand ſoldiers were put at free quarters [3] upon the country, and left without check or control to commit the greateſt inſolences. Who being a frantic herd of ſectaries of all ſorts, vented with full licence their fanatical rage (which they called zeal) againſt the eſtabliſhed religion [4], turning the churches into guard-houſes and ſtables, abuſing them in a manner yet more indecent and unfit to be named, ſpilling on the ground the water deſigned for the baptiſm of infants, diſturbing the public aſſemblies, and invading the pulpits, with other profanations and impieties, very ſhocking to the good people of this iſland, who had been bred in a becoming reverence for the ſacred inſtitutions of Chriſtianity, trampled upon by thoſe hypocrites.

His Majeſty being reſtored to his kingdoms, was pleaſed to remember the ſervices and ſufferings of his ſubjects of Jerſey; and as he conferred many marks of his royal favour on Sir George de Carteret, whom he brought near his perſon, made him Vice-

[1] Ordered, that the Commiſſioners for compounding, do ſend ſome to ſequeſter the eſtates of thoſe in Jerſey. Whitlock ad an. 1651. Jan. 3.

[2] Relation, MSS. ut ſup.

[3] During ſome months.

[4] The ſame with the Church of England.

Chamberlain

Camberlain of his Houſehold, and one of his Privy Council; ſo he ever expreſſed the greateſt kindneſs for the inhabitants; taking them into his ſpecial protection, and interpoſing betwixt them and every attempt made to infringe their privileges, or bring any hardſhip upon them. And that by means of ſomething durable and laſting, poſterity might be apprized, as of our conſtant attachment both to his bleſſed father and him, ſo of his ſingular affection for us, he preſented the Bailly and Magiſtrates with a large ſilver gilt mace [1], having engraven on it by his order an inſcription which we value and hold more precious than the gift itſelf, though that be very conſiderable. For it bears an honourable teſtimony of our fidelity, and particularly recites how His Majeſty had twice found *tutum receptum*, i. e. a ſafe retreat in this iſland, *dum cæteris ditionibus excluderetur*, i. e. when he was excluded from his other dominions. The inſcription is in the Appendix, Number II. In time of war and danger, he had a watchful eye to our ſafety, of which let this inſtance ſuffice:—During his abode with us, he had obſerved a defect in Elizabeth Caſtle; which was, that betwixt the Lower Ward and the Fort called by his name, there remained a long narrow neck of land open and without defence, except from the fire of the next rampart. Here His Majeſty apprehended an enemy might poſſibly, in caſe of a ſiege, lodge and entrench himſelf. Therefore at breaking out of the war with France in the year 1665, he cauſed the ſame to be ſtrongly walled in, and mounted with ordnance, and thereby gave the caſtle all the perfection it ſeems capable to have, becauſe no room is left for an addition of new works, unleſs by laying the foundation of them in the ſea, which at every half flood ſurrounds and ſhuts the place in on every ſide. This did His Majeſty in great goodneſs, and at no ſmall charge, for our better ſecurity againſt the French, by whom we were then threatened.

King James II. has been handled ſo ſeverely, and his miſcarriages ſo aggravated, by writers of all ſorts, that I hold it ungenerous to run with them in the ſame cry againſt him. Of him therefore, and his ſhort unfortunate reign, I ſhall only ſay thus much, and leſs cannot be ſaid; that as in England he had determined to bring in Popery by a Popiſh army, ſo in this iſland by a Popiſh garriſon. He ſent us early a commander of that religion, with a prieſt to prepare the way for it; and Elizabeth Caſtle began to fill with ſoldiers of the ſame principles, or of no principles at all, who would have ſerved the purpoſe as well. When the unhappy Prince left the kingdom, and withdrew into France, thoſe men had that important fortreſs wholly in their keeping; and might think they could anſwer their maſter's intentions no way better, than

[1] 'Tis carried before them at the meeting of the States, and on other ſolemn occaſions.

by delivering it up to that power unto which he himſelf had fled for refuge. Here was cauſe ſufficient to make us uneaſy. But it pleaſed God to inſpire our magiſtrates with ſuch wiſdom and force of perſuaſion, that in ſome conferences with the commander, they prevailed with him to admit the inhabitants to mount the guard in the Caſtle by equal proportions with the garriſon. This abated of our fears, as it leſſened our danger; and left us to wait the iſſue of the public counſels and deliberations in England for ſettling the government, which ended in placing on the throne the Prince and Princeſs of Orange, by the name of

King William and Queen Mary. In this great change we reſted and acquieſced. For though we could not comply with the ſeditious practices of forty-one, and rather choſe to ſtand the fury of a powerful armed faction, which bore us down at laſt, as has been ſeen; we were not ſo dull as not to know how to diſtinguiſh betwixt a flagrant rebellion, that tore up foundations, and opened a ſcene of blood and all manner of iniquity; betwixt that, I ſay, and a revolution manifeſtly tending to preſerve to us the two moſt valuable things in the world, true religion and civil liberty; albeit ſome, with no good deſign, have drawn odious parallels, and laboured to find a reſemblance of one to the other. In the introduction, mention is made of an addreſs to their Majeſties, to which, in as much as it teſtifies our willing ſubjection to the Royal pair, our joint ſovereigns, it may not be improper to give a place here.

To the KING's and QUEEN's Moſt Excellent Majeſties.

The humble Addreſs of the States *of your Majeſties Iſland of* JERSEY.

May it pleaſe your Majeſties,

WE acknowledge your Majeſties great goodneſs in giving us acceſs to your Royal preſence, and leave to lay this addreſs at your feet. We are the repreſentatives of a people, who though diſtinguiſhed from others of your Majeſties lieges in language and peculiar cuſtoms, concur with them in the common intereſt of your kingdoms, and yield to none in zeal and affection to your Majeſties ſacred perſons and government. We are your Majeſties ancient ſubjects, the remainder of that goodly patrimony which your renowned progenitors once poſſeſſed on the Continent; reſcued from the unhappy fate of the reſt, by that great care which they, in all their wars with France, ever took for the preſervation of this important place; extending upon all exigencies their protection

tection to us, and conſtantly ſupplying us with every thing requiſite for our defence: which, by the bleſſing of God, has had ſuch ſucceſs, that though our ſituation expoſes us to thoſe formidable neighbours, who in the courſe of above ſix hundred years, have often formed deſigns againſt us, and actually invaded us, they have been as often repulſed; inſomuch that after the revolution of ſo many ages, (wherein whole kingdoms have been torn aſunder, and divided from each other) we have ſtill, at this day, the happineſs of remaining united, as at the firſt, to the reſt of your Majeſties dominions. We humbly conceive this iſland to be no leſs important to your Majeſties now, than when it was thought ſo by your Royal predeceſſors. The known endeavours of the French for ſome years to increaſe their Naval power, with their late bold entering the channel, and diſputing to your Majeſties the empire of the ſea, ſufficiently point out the miſchief and danger threatening your realms, ſhould they become maſters of this and the adjoining iſlands. In this conjuncture we think it our duty to aſſure your Majeſties, that (with Divine aſſiſtance) we will defend this place to the utmoſt of your Majeſties ſervice, and that we wiſh to be no longer than we are your Majeſties ſubjects. Hoping your Majeſties will believe, that though our tongues be French, our hearts and ſwords are truly Engliſh. The two laſt are entirely your Majeſties, and the firſt are employed in nothing more than in celebrating your Majeſties great virtues and juſt praiſes; and in beſeeching Almighty God, who has ſo wonderfully placed you on the throne, and by ſo many miracles of his providence has hitherto preſerved you thereon, to continue his powerful protection over you, to go out with your fleets and armies, and to complete that great work for which he has ſo evidently deſigned you; which is to raiſe the glory and reputation of this nation, to put a ſtop to the boundleſs ambition of the unjuſt diſturber of the quiet of Chriſtendom, and to procure a ſafe and laſting peace to Europe. We are,

May it pleaſe your Majeſties,
Your Majeſties moſt faithful
And moſt loyal ſubjects, &c.

I cannot better conclude this Hiſtory, that with ſome of thoſe remarkable teſtimonies which our Kings have given of our loyalty and zeal for their ſervice, in the many charters by them granted to the inhabitants of this iſland, and I ſhall begin with that of Edward III.

Edoardus Dei Gratiâ Rex Angliæ, & Franciæ, ac Dominus Hiberniæ, omnibus ad quos præſentes litteræ pervenerint,

Edward by the Grace of God King of England, and France, and Lord of Ireland, to all to whom theſe preſents ſhall come

Salutem—Sciatis—quod nos gratâ memoriâ recenſentes, quàm conſtanter, & magnanimiter, dilecti & fideles homines inſularum noſtrarum de Jereſey, Guerneſeye, Sark, & Aureney, in fidelitate noſtrâ & progenitorum noſtrorum regum Angliæ, ſemper hactenùs perſtiterunt, & quanta, pro ſalvatione dictarum inſularum, & noſtrorum conſervatione jurium & honoris ibidem, ſuſtinuerunt tàm pericula corporum, quàm ſuarum diſpendia facultatum, ac proinde volentes ipſos favore proſequi gratioſo, conceſſimus, &c.

come, greeting—Know ye—that we remembering with pleaſure, how conſtantly and couragiouſly, our faithful and beloved ſubjects, the inhabitants of our iſlands of Jerſey, Guernſey, Sark, and Aureney, have always hitherto continued faithful to us, and our anceſtors, the Kings of England, and how many dangers they have undergone, and what great charges been put to, for the defence of the ſaid iſlands, and for the preſervation of our rights and dignity therein: being therefore willing to honour them with our gracious favour, we have granted, &c.

I ſhall next mention that of Edward IV. in whoſe time the inhabitants did the good ſervice of recovering Mont-Orgueil Caſtle from the French who had ſurpriſed it.

Edoardus Dei Gratiâ Rex Angliæ, & Franciæ ac Diminus Hiberniæ, omnibus ad quos præſentes litteræ pervenerint, ſalutem cum nobiliſſimus progenitor noſter inclytæ memoriæ Richardus, quondam Rex Angliæ, Franciæ, & Dominus Hiberniæ, poſt conqueſtum ſecundus, per literas ſuas patentes datas apud Weſtmonaſterium octavo die Julii, anno regni ſui decimo octavo, in conſideratione benigeſtûs, & magnæ fidelitatis, quos in ligeis & fidelibus ſuis gentibus & communitatibus inſularum ſuaram de Jereſey, Guerneſeye, Sark, & Aureney indiès invenit, de gratiâ ſuâ ſpeciali conceſſit pro ſe & hæredibus ſuis, quantùm in eo fuit, eiſdem gentibus & communitatibus ſuis, quod ipſi & ſucceſſores ſui in perpe-

Edward by the Grace of God King of England, and France, and Lord of Ireland, to all to whom theſe preſents ſhall come, greeting. Whereas our noble progenitor of famous memory, Richard, late King of England and France, and Lord of Ireland, the ſecond after the conqueſt, by his letters patents, dated at Weſtminſter the eighth day of July, in the eighteenth year of his reign, in conſideration of the laudable behaviour, and remarkable fidelity, which he always found in his liege and faithful ſubjects, the people and communities of his iſlands of Jerſey, Guernſey, Sark and Aureney, did, of his ſpecial grace grant for himſelf and his heirs, as much as in him lay, to the ſaid people and com-

tuùm,

tuùm, forent liberi & quieti, in omnibus civitatibus, villis mercatoriis, & portibus infrà regnum noſtrum Angliæ, de omnimodis theloniis exactionibus, cuſtumis, taliter & eodem modo quo fideles ligei ſui in ſuo regno prædicto extiterunt; ita quod dictæ gentes & communitates ſuæ, & hæredes, & ſucceſſores ſui prædicti, benè & fideliter ſe gererent erga ipſum progenitorem noſtrum, & hæredes & ſucceſſores ſuos in perpetuùm, prout in literis illis pleniùs continetur; nos continuam fidelitatem gentis & communitatis dictæ inſulæ de Jereſey pleniùs intendentes, literas prædictas, & omnia & ſingula in eis contenta, quoad gentem & communitatem ejuſdem inſulæ de Jereſey, acceptamus, approbamus, & eidem genti & communitati, hæredibus et ſucceſſoribus ſuis, per præſentes ratificamus & confirmamus. Et ulteriùs nos memoriæ reducentes, quam validè, viriliter, & conſtanter, dictæ gens & communitas ejuſdem inſulæ de Jereſey Nobis & progenitoribus noſtris perſtiterunt, & quanta pericula & perdita pro ſalvatione ejuſdem inſulæ, & reductione Caſtri noſtri de Mont-Orgueil ſuſtinuerunt, de uberiori gratiâ noſtrâ conceſſimus, &c.

munities, that they and their ſucceſſors for ever, ſhould be free and exempt, in all cities, market-towns, and ports within our realm of England, from all manner of tolls, exactions, cuſtoms, ſo and in the ſame manner as are his faithful ſubjects in his ſaid realm; provided and upon condition, that the ſaid people and communities, and their heirs and ſucceſſors as aforeſaid, did behave well and faithfully towards him our ſaid predeceſſor, and his heirs and ſucceſſors for ever, as in the foreſaid letters appear more at large; we conſidering farther the continual fidelity of the people and community of the ſaid Iſland of Jerſey, do receive and approve the foreſaid letters, and all and every thing in them contained, relating to the people and community of the ſaid Iſle of Jerſey, and the ſame, to the ſaid people and community, their heirs and ſucceſſors do by theſe preſents ratify and confirm. And we moreover calling to mind how valiantly, courageouſly, and conſtantly, the ſaid people and community of the aforeſaid Iſland of Jerſey have adhered to us and our anceſtors, and how many dangers and loſſes they have ſuſtained for the defence of the ſaid iſland, and the recovery of our Caſtle of Mont-Orgueil, have of our abundant grace granted, &c.

Queen ELIZABETH'S *Charter begins thus:—*

Elizabeth Dei gratiâ, &c. Quùm dilecti & fideles ligei & ſubditi noſtri, Ballivus & Jurati inſulæ noſtræ de Jereſey, ac cæteri incolæ, & habitatores ipſius inſulæ,

Elizabeth by the grace of God, &c. Whereas our faithful and beloved lieges and ſubjects, the Bailly and Jurats of our iſle of Jereſey, and other inhabitants of the

infrà ducatum noſtrum Normanniæ, & prædeceſſores eorum, a tempore cujus contrarii memoria hominum non exiſtit, per ſpeciales chartas, conceſſiones, confirmationes, & ampliſſima diplomata, illuſtrium progenitorum ac anteceſſorum noſtrorum, tàm regum Angliæ, quàm ducum Normanniæ, ac aliorum, quamplurimis juribus, juriſdictionibus, privilegiis, immunitatibus, libertatibus, and franchiſiis, liberè, quietè, & inviolabiliter uſi, freti, ac gaviſi fuerunt, tàm infrà regnum noſtrum Angliæ, quàm alibi infrà dominia & loca ditioni noſtræ ſubjecta, ultra citráque mare, quorum ope & beneficio, inſulæ prænominatæ, ac loca maritima prædicta, in fide, obedientiâ, & ſervitio tàm noſtri quàm eorundem progenitorum noſtrorum, conſtanter, fideliter, & inculpatè perſtiterunt, & perſeveraverunt, liberaque commercia cum mercatoribus, & aliis indigenis ac alienigenis, tàm pacis quàm belli temporibus habuerunt & exercuerunt, &c. Quæ omnia & ſingula cujus & quanti momenti ſint & fuerunt ad tutelam & converſationem inſularum & locorum maritimorum prædictorum, in fide & obedientiâ coronæ noſtræ Angliæ, nos, ut æquum eſt, perpendentes: neque non immemores quàm fortiter, & fideliter, inſulârii prædicti, ac cæteri incolæ & habitatores ibidem, nobis & progenitoribus noſtris inſervierunt, quantaque detrimenta, damna & pericula, tàm pro aſſiduâ tuitione ejuſdem inſulæ & loci, quàm pro recuperatione & defenſione caſtri noſtri de Mont Orgueil infrà prædictam inſulam noſtram de Jereſey, ſuſtinuerunt, indiéſque ſuſti-

ſame, within our dutchy of Normandy, and their predeceſſors, have from time immemorial, by ſpecial charters, conceſſions, confirmations, and very large grants, of our illuſtrious anceſtors and predeceſſors, as well kings of England, as dukes of Normandy, and others, poſſeſſed and enjoyed freely, quietly, and without moleſtation, ſeveral rights, juriſdictions, privileges, immunities, liberties, and franchiſes, as well within our realm of England, as elſewhere within the dominions and places ſubject to our government, on this ſide and beyond the ſea, by which means, the forementioned iſlands, and maritime places, have conſtantly, faithfully, and unblameably, continued, and perſevered, in their duty, ſervice and obedience, as well to us as our foreſaid anceſtors, and have had the benefit of a free trade with merchants, and others, natives and foreigners, as well in times of war as of peace, &c. We therefore, duly conſidering how neceſſary all theſe things, and each of them, are, and have been, for the maintenance and preſervation of the foreſaid iſlands and maritime places, in their duty and obedience to our crown of England: and withal remembring, how valiantly, and faithfully, the foreſaid iſlanders, and others, inhabitants of the ſame, have ſerved us and our progenitors, and how many loſſes, damages, and dangers, they have ſuſtained, and do ſtill daily ſuſtain, as well for the continual defence of the foreſaid iſland and place, as for the recovery and defence of our caſtle of Mont Orgueil, within our foreſaid iſland of Jerſey;

nent:

nent: non ſolùm ut regia noſtra benevolentia, favor & affectus erga præfatos inſulares illuſtri aliquo noſtræ beneficentiæ teſtimonio, ac certis indiciis comprobetur; verum etiàm ut ipſi, & eorum poſteri deinceps in perpetuùm, prout antea, ſolitam & debitam obedientiam erga nos, hæredes, & ſucceſſores noſtros teneant & inviolabiliter obſervent, has litteras noſtras patentes, magno ſigillo Angliæ roboratas, in formâ quæ ſequitur, illis concedere dignati ſumus. Sciatis, &c.

To the end, that not only our royal benevolence, favour, and affection towards the foreſaid iſlanders, may be manifeſted by ſome remarkable teſtimony, and evident proof; but that alſo they, and their poſterity may hereafter for ever, as they have done hitherto, retain and inviolably obſerve their uſual and due obedience towards us, our heirs, and ſucceſſors, we have thought fit to grant unto them theſe our letters patents, under the great ſeal of England, in the form and manner following. Know ye, &c.

Here followeth the preamble of a commiſſion under the great ſeal, directed to Sir Robert Gardiner, and Dr. James Huſſey, who were ſent to Jerſey in the time of King James I. with the character of Commiſſioners Royal, upon a particular occaſion:—

James by the grace of God, King of England, &c. To our truſty and well-beloved, Sir Robert Gardiner, Knight, and James Huſſey, Doctor of the Civil Law, and one of the Maſters of our Court of Chancery, greeting. Whereas in our princely care, and earneſt deſire for the eſtabliſhment and maintenance of juſtice, and for the ſecurity and wealth of our ſubjects generally in our realms and dominions, we have been very mindful of the good eſtate of our loving ſubjects, the inhabitants of our iſles of Jerſey and Guernſey, and other their dependances, a portion remaining as yet unto us in poſſeſſion of our ancient dukedom of Normandy; and have been, and are the rather moved thereunto, both for their entire and inviolate fidelity born by them towards us, and our predeceſſors kings and queens of this realm of England, teſtified and declared by many their worthy and acceptable ſervices towards this our ſaid crown; and alſo in reſpect of their ſituation furtheſt remote from the reſt of our ſaid dominions, and for that cauſe needing our ſpecial care and regard to be had of them, being thereby expoſed to danger of an invaſion or incurſion of foreign enemies; and whereas we are informed, &c.—For theſe cauſes, know therefore, that we have nominated you to be our Commiſſioners, &c.

Let

Let me only add this notable paſſage of that great oracle of the Engliſh law, the Lord Chief Juſtice Coke[1]. The iſles of Jerſey and Guernſey did of ancient time belong to the dutchy of Normandy; but when King Henry I. had overthrown his elder brother Robert Duke of Normandy, he did unite to the kingdom of England perpetually the dutchy of Normandy, together with theſe iſles. And albeit King John loſt the poſſeſſion of Normandy, and King Henry III. took money for it, yet the inhabitants of theſe iſles with great conſtancy remained, and ſo to this day, do remain, true and faithful to the crown of England. And the poſſeſſion of theſe iſlands (being parcel of the dutchy of Normandy) are a good ſeiſin for the King of England of the whole dutchy.

[1] Part IV. of the Inſtit. Chap. lxx. page 286.

CHAP. II.

DESCRIPTION OF THE ISLAND.

THE coaſts of Normandy and Bretagne, provinces of France, meet in almoſt a right angle, and form a ſpacious golf or bay, which takes its name from Mont Saint Michel, a famous abbey of Benedictins, ſeated at the bottom or inmoſt receſs of it. In this great bay, betwixt Cap de la Hogue in Normandy, and Cap de Frehelle in Bretagne, the iſlands of Jerſey, Guernſey, and the reſt, lie as it were in a cluſter, yet at reaſonable diſtances from each other[1]; and nearer to Normandy than to Bretagne. Jerſey is the fartheſt within the bay, as Guernſey lies more without, towards the Britiſh Channel. From Jerſey to Carteret or Port-bail in Normandy the traject is about ſix leagues, and the land being very high on both ſides, churches and houſes may be diſcerned from either coaſt.

Latter obſervations place Jerſey in forty-nine degrees ten minutes of north latitude, and two degrees twenty minutes of weſt longitude from the meridian of London.

In length it exceeds not twelve miles. The breadth, where it is broadeſt (viz. at the two extremities, for in the middle it is narrower) is betwixt ſix and ſeven.

The figure reſembles an oblong ſquare, or parallelogram, the longeſt ſides whereof are the north and ſouth, the narroweſt the eaſt and weſt. The north ſide is exceedingly raiſed, and looks down on the ſea below, from cliffs of forty and fifty fathoms perpendicular height, which renders the iſland generally unacceſſible on that ſide. The ſouth ſide is much lower, and in ſome places level as it were with the ſea.

[1] Thus, the diſtance betwixt Jerſey and Sark is four leagues, betwixt the ſame and Guernſey ſeven leagues, betwixt the ſame again and Alderney nine leagues. This is the common computation.

I cannot

I cannot better compare it than to a broad wedge, or to a right angled triangle; the baſis whereof may be ſuppoſed to be the ſea; the cathetus, thoſe high and craggy cliffs which it has on the north; and the hypotenuſa, the ſurface of the iſland which declines and falls gently from north to ſouth, according to the following diagram.

JERSEY.

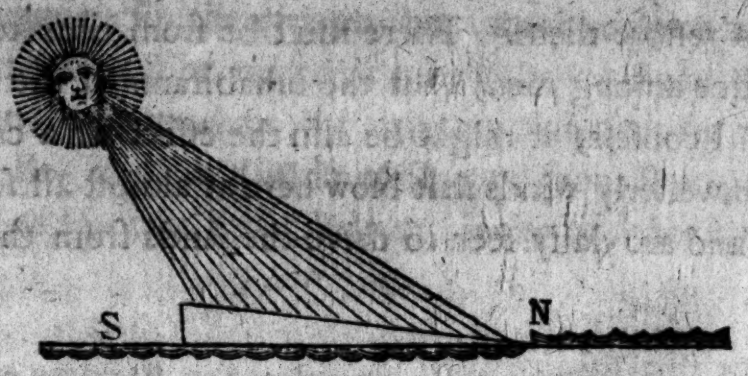


It receives two great benefits from this ſituation. The firſt is, that thoſe rivulets (for I cannot call them rivers) with which this iſland abounds, do by this means run further and receive a greater increaſe and acceſſion of waters (whereby they become ſtrong enough to turn forty mills * that ſupply the whole country) than they would do, ſhould the iſland riſe in the middle, and all the ſtreams by an equal courſe deſcend on every ſide to the ſea. This conſideration would be of no great moment to a larger country, but is of unexpreſſible uſe and advantage to ſo ſmall an iſland. The ſecond benefit which we receive from this ſituation, is, that by this declivity of the land from north to ſouth, the beams of the ſun fall more directly and perpendicularly thereon, than if either the ſurface was level, and parallel to the ſea, or, which is worſe, declined from ſouth to north, as it does in Guernſey. For there, by an odd oppoſition to Jerſey, the land is high on the ſouth, and low on the north; which cauſes, if I may ſo ſpeak, a double obliquity; the one from the poſition of the ſun itſelf, eſpecially in time of the winter ſolſtice; the other from the ſituation of the land: and is probably the reaſon of the great difference obſerved in the qualities of ſoil and air in both iſlands.

* Viz. 33 corn mills, and 7 fulling mills; there are alſo 3 wind mills in convenient places.

GUERNSEY.

GUERNSEY.



This declivity of Jerſey is not a ſmooth and even declivity, as ſome might think. The ſurface is extremely broken and unequal, riſing and falling almoſt perpetually. For as on the north, it is an entire hill, with few and ſhort vales, ſo on the ſouth, ſouth-eaſt, and ſouth-weſt, it is cut into ſundry fruitful valleys, narrow at the beginning, but growing wider as they draw ſtill nearer and nearer to the ſea, where they end in ſeveral flats of good meadows and paſtures. Mr. Poindextre thought that this unevenneſs and inequality of the ſurface added much to the quantity and proportion of the ground, and that the iſland was ſo much the more capacious and productive, by how much the more the ſurface was expanded, riſing with the hills, and deſcending with the valleys. But herein I muſt take the liberty to depart from ſo great a man. It being demonſtrable, that a country that is exactly level, will contain as many houſes and inhabitants, will produce as many trees, plants, &c. as another country, whoſe ſurface is as uneven and unequal as can be, but whoſe baſis or plane is no more than equal to the other. Therefore the true dimenſion of any country is not to be taken from thoſe gibboſities that ſwell the ſurface in one place, or thoſe profundities that depreſs it in another, but from the true baſis or plane of that country.

The nature of the ſoil admits of great variety, which proceeds from this difference of higher and lower grounds. The higher grounds are gritty and gravelly, ſome ſtony and rocky, but others of a fine and ſweet mould. The lower are deep, heavy and rich. Generally there is little barren ground in the whole iſland, almoſt none but what is capable of receiving ſome profitable culture, and recompenſing one way or other the pains of the labouring huſbandman.

We muſt except a pretty large tract of once excellent lands in the weſt of the iſland, which within theſe two hundred and fifty years have been ſo over-run with ſands,

 that

that the country on that ſide bears the image of a deſert. This is ſaid to have happened by divine vengeance[1] on the owners of thoſe lands, for detaining the goods of ſtrangers that had been ſhipwrecked on that coaſt, though injoined by the higheſt cenſures of the church to reſtore them. There muſt be from time to time ſuch public examples of divine juſtice among men, that the inhabitants of the earth may learn righteouſneſs. And yet, I confeſs, it might be alſo the effect of a cauſe not preternatural. I mean, of thoſe high weſterly winds that blow here at almoſt all ſeaſons of the year, and on this ſide of the iſland are daily ſeen to drive the ſands from the bottom to the top of the higheſt cliffs.

The iſland produces all kinds of foreſt and fruit-trees, ſhrubs, roots, flowers, and herbs, (whether medicinal[2], aromatic, or eſculent) all kinds of pulſe and corn, as do grow in England, the wheat of a ſmaller ſize. One ſort of wheat we have, unknown, (if I miſtake not) in England, called in the language of the country *froment trémais*, [*frumentum trimeſtre*] becauſe it is but three months in the earth, being ſown about the latter end of March, and all April long. Since the great increaſe of cider, and the inclination of the people to that liquor preferably to beer, ſo little malt is made in the iſland, that it would ſcarce be worth while to ſow any barley at all, were it not converted to bread[3]. Of itſelf barley makes but a coarſe bread, yet wholſome and nouriſhing, and that is the bread of ſervants and meaner people with us. But a due mixture of wheat corrects that coarſeneſs, and ſuch bread is eaten by many of the better ſort, who at the ſame time are not without good wheaten bread in their houſes.

[1] In Inſulâ Jerſey ſolum fuit fæcundiſſimum, quod Canvetos appellant, in Parochiâ Sancti Brelardi. Nemo ſe ſatis divitem in Inſulâ putabat, niſi illic prædium haberet. Contigit An. Dom. circiter 1495. quod quinque Hiſpanicæ naves illic fecerunt mediâ hyeme naufragium, ad Feſtum Cath. Quatuor naves aquis obrutæ. Quinta ad Littus perjecta homines (preter unum) ſervat incolumes. Reliqui omnes abſorpti. Inſulani diripuerunt carum ficus, vina, merces, & bona. Nec potuerunt Monitoriis, etiam & Anathematibus, res recuperare. Factum tandem, ultione Divinâ, ut inſula arenâ ſive ſabulo, quod erat eâ parte ab occidente in medio maris, ventis perflata fuerit, & univerſam illam agrorum fæcunditatem vaſtaverit. Nunc canvetos vocant. Ex MSS. Philippi de Carteret Eq. aur. Dom. de S. Audoeno, &c.

[2] Mr. Poindextre pleaſantly remarks, that this iſland might in old times like ſome places in Greece, have been conſecrated to Æſculapius, for the quantity and goodneſs of the medicinal ſimples growing in it.

[3] Even in the fertile land of Canaan barley-bread was in common uſe, 2 Kings iv. 42. and ſeems to have been that which the Bleſſed Jeſus and his Apoſtles had for their ordinary food, as may be gathered from the miracle of the five barley loaves, John vi. 9. on which Grotius makes this obſervation, Significatur frugalitas Chriſti & Apoſtolorum, qui pane non niſi vili veſcebantur. Annot. in Loc.

When

When Dr. Heylin came into this iſland, he found the people more addicted to tillage and huſbandry, than to manufactures and navigation; and accordingly in his Coſmography [1], he ſays, that the iſland is generally very fruitful of corn, whereof the inhabitents have not only enough for themſelves, but ſome over-plus to barter at St. Maloes with the Spaniſh merchants. The matter is much altered ſince the Doctor was here, and the iſland does not now produce the quantity ſufficient for the inhabitants, who muſt be ſupplied from England, or (in time of peace) from Bretagne in France. They have often gone as far as Dantzic in the Baltick, invited thither by the cheapneſs of the market.

This decay of tillage amongſt us has ſprung from a coalition of ſuch cauſes as theſe. (1.) From the improvement of navigation and foreign commerce, which took away many hands employed before in working at the ground, and brought us corn from outlandiſh markets cheaper than the huſbandman could afford it at home. (2.) From the increaſe of the ſtocking-manufacture, which (to ſpeak truth) has rendered the generality of our poorer people lazy and idle, giving them an averſion to huſbandry-work, as a more painful occupation. (3.) From the converſion of the beſt arable lands into gardens and orchards for the growth of cider, a commodity with which we are now overſtocked, whilſt we want the more neceſſary ſupport of life. Though it muſt be confeſſed that ſince the preſent war [2], which has ruined our trade, our people ſenſible of their error, and preſſed by the evident neceſſity of the thing, have applied themſelves with more induſtry to an employment they had neglected, and have begun to put their hands again to the plough; ſo that we may ſoon grow up to a condition of ſubſiſting, if not wholly from ourſelves, yet with a little help from England.

I might have named another great obſtruction to tillage, but ſuch as can hardly now be removed. 'Tis the prodigious augmentation of incloſures [3], fences, hedge-rows, and high-ways; which, though they add much to the beauty and perhaps ſtrength to the iſland, yet hold they no proportion to the bigneſs of it, and waſte a great deal of good land that might be turned to better account. For I verily believe, that theſe which I have mentioned, together with the gardens and orchards, the ſituation, ave-

[1] Lib. I. page 197.

[2] The war with France in King William's reign, when this was written.

[3] About 150 years ago the Iſland lay pretty much open, but when the humour of planting ſeized our people, they fell to incloſing, for ſhelter and ſecurity to their fruit.

nues, and iſſues of houſes, take up very near one third of the whole iſland. One is not to imagine ſuch low fences here as in England, but great bulwarks of earth (for ſo I think I may properly enough call them) raiſed, with much labour and expence, ſix and eight feet high, ſometimes more, anſwerably thick and ſolid, planted with quik-ſets or timber trees, many of them faced with ſtone to a competent height, as you ſee the outſide of a rampart in a Fortification. And for ſuch they would ſerve againſt a prevailing enemy, to whom we might diſpute every field. But ſtill, I ſay, they are attended with this inconvenience, that they are too much multiplied, and take up too much ground, in a country where there is already little enough in proportion to the inhabitants.

Theſe incloſures are great enemies to the pleaſure and diverſion of gentlemen, who cannot well hunt, eſpecially on horſe-back, unleſs about the ſea coaſts, where a few of the worſt lands remain open, or incloſed with low fences.

Having mentioned the many high-ways as great waſters of the ground, I ſhall add, that there are three ſorts of them in this iſland. (1.) *Le Chemin du Roy*, i. e. the King's high-way, which is to be twelve feet broad, beſides two feet more to each bank or ſide, in all ſixteen. (2.) *Le Chemin de huit pieds*, i. e. the eight-foot way, of eight foot in the middle, and four by the ſides, in all twelve. (3.) *Le Chemin de quatre pieds*, i. e. the four-foot way, like the Roman Actus, ſerving only for carriages on horſe-back. Over all theſe there are in each Vintaine, or tything, particular officers appointed to in-ſpect them; and yearly about midſummer, there is a perambulation of the Magiſtrates, in one or more of the pariſhes, to inquire in what repair thoſe ways are kept, which is performed very ſolemnly. The conſtable of the pariſh where the perambulation is to be, takes with him twelve of the principal men of his pariſh, and meets the judge attended by three or more of the jurats on horſe-back; before whom rides the Viſcount or Sheriff, with his ſtaff of office erected, one end on the pommel of his ſaddle. In ancient times it was *cum lanced*, with a *launce*. He keeps the middle of the way, the conſtable with the twelve men walking on foot by his ſide; and when his ſtaff encounters with a bough or branch hanging over the way, the owner of the hedge is fined; but if the fault be in the bottom of the way, not the party bordering, but the overſeers for that vintaine are amerced.

We had anciently another way, of very different uſe, called *Perquage*, from the Latin *Pertica*, becauſe it was exactly four and twenty feet broad, which is the meaſure of

of a perch. There were but twelve of them in the whole iſland, beginning one at every Church, and from thence leading ſtraight to the ſea. The uſe of them was to conduct thither thoſe who for ſome capital crime had taken ſanctuary in any of the Churches, and had been ſentenced to abjure the country, according to an ancient practice amongſt us. Having abjured, they were led by the Churchmen along thoſe perquages to the ſea, which perquages were ſtill a ſanctuary to them. If they ſtraied never ſo little, they loſt the benefit of the ſanctuary, and became liable to be ſeized and ſuffer the penalty of the law. Theſe perquages may be ranked among the ſingularities of this iſland, but the reformation which aboliſhed ſanctuaries, aboliſhed theſe alſo. They then fell to the crown as waſtes, and were granted by King Charles II. to Sir Edward de Carteret, who for a yearly rent parcelled them out to thoſe who had lands bordering upon them.

We have in Jerſey a method of agriculture differing in ſundry particulars from that of England. But ſo in England itſelf, the way of managing land is not every where alike. I ſhall mention one thing only relating to that ſubject, which Mr. Camden in deſcribing this iſland, did not think below his notice. 'Tis, that nature having denied us the benefit of chalk, lime, and marle, has ſupplied us with what fully anſwers the end of them in huſbandry. It is a ſea-weed, but a weed more valueable to us than the choiſeſt plant cultivated in our gardens. We call it Vraic, in ancient records Veriſcum and Wreccum, and grows plentifully on the rocks about the iſland. 'Tis gathered only at certain times appointed by the magiſtrate, and notified to the people by the public cryer on a market day. There are two ſeaſons of cutting it, the one in Summer and the other about the Vernal Equinox. The Summer Vraic, being firſt well dried by the ſun on the ſhore, ſerves for kitchen fewel in country houſes, and makes a hot glowing fire; and the aſhes, which are carefully preſerved, ſerve for manure. We hold them equivalent to a like quantity of lime. The Winter Vraic being ſpred on the green ſwerd, and after buried in the furrows by the plough, it is incredible how, with its fat unctuous ſubſtance it meliorates and fertilizes the earth, imbibing itſelf into it, ſoftening the clod, and keeping the root of the corn moiſt during the moſt parching heats of ſummer[1]. In ſtormy weather, the ſea does often tear up from the rocks vaſt quantities of this uſeful weed, and caſt it on the ſhore,

[1] In the Iſles of Feroe belonging to Denmark they practiſe the ſame dreſſing with Vraic. See the deſcription of thoſe iſles by Lucas Jacobſon Debes, Provoſt of the Churches there.

where the glad husbandman gathers it, and proper officers attend to see it distributed in just proportions.

The genius of the soil is naturally much inclined to wood, and the humour of the people suits with the genius of their soil. The whole island, especially the more inland part, is so thick planted, that to one who takes a prospect of it from some higher ground, it looks like an entire and continued forest; though in walking through it, not a wood, hardly a thicket or coppice, is to be seen, but many hedge-rows and orchards. Nothing can be imagined more delightful than the face of the island, when the trees set along the highways, and in the avenues of houses, are covered with verdure, and the orchards are full of blossoms. For as the one affords a pleasant shade, so the others recreate the eye, and perfume the air with a sweet fragrancy. But still it must be confessed, that so much shade is prejudicial to the growth of corn and pasture. Though we have much wood, we are not so well stored with good and large timber. The cause whereof is, that trees with us planted for timber, are once in seven or eight years pruned to the very top, which keeps them slender, and makes the timber knotty; the husbandman being forced to this course, not merely for the sake of fewel, but to prevent his little plots and inclosures from being over-spred by the too luxuriant branches. And yet even such timber serves well enough for all common uses, and here and there sticks are found fit for the building of good ships.

The ordinary drink of this island is cyder, an ancient liquor, being mentioned both by Tertullian and St. Augustin. This last, writing against the Manichees, who ojected to the Catholicks their drinking wine, whereas themselves abstained wholly from it, answers, not by denying the fact, but by retorting upon those hereticks, that though it was true they drank no wine, they would take down very freely *nonnullorum pomorum expressos succos, vini speciem satis imitantes, atque id etiam suavitate vincentes* [1], that is to say, a liquor drawn from apples, very much like wine, and even exceeding it in sweetness. And the former speaks of apples, of which he and other Montanists would not so much as taste in their Xerophagias, by reason of the too generous and vinous juice of that fruit, *ne quid vinositatis vel edamus vel potemus* [2]. From which passages of the two African fathers, Cardinal du Perron (who by the way was born in

[1] De moribus Manichæorum, Cap. xiii.
[2] De jejuniis adversùs Psychicos, Cap. i.

Jersey

Jerſey [1] of Proteſtant parents) infers that cyder was firſt known in Africa; and thence brought early into Biſcay [2], a province of Spain unfriendly to the vine; which being the very caſe of Normandy, cyder in aftertime made its way thither alſo [3]. The ſame account of the progreſs of this drink is given by the learned Huet, Biſhop of Avranches, in his *Origines de Caen* [4], where more authorities are cited to ſupport that argument. From Normandy cyder eaſily got into this iſland.

I do not think there is any country in the world that (on the ſame extent of ground) produces ſo much cyder as Jerſey does, no not Normandy itſelf. Mr. de Samaréz his way of gueſſing at the quantity throughout the iſland, was, to allow one Vergée of orchard, i. e. three quarters of an Engliſh acre, to every houſe one with another, and two tons of cyder to a Vergée. The houſes (to make a round ſum) he computed at three thouſand, though there were then more, and the number is ſince increaſed. So he concluded the whole quantity to amount to ſix thouſand tons, or four and twenty thouſand hogſheads.

'Tis not to be imagined the iſland ſhould produce the ſame every year. The years alternate. A good year is uſually ſucceeded by a bad one. But a good year commonly ſupplies us for that, and the next enſuing, beyond uſe and neceſſity, even to exceſs and debauchery. For this vaſt quantity of cyder muſt be wholly conſumed among ourſelves, very little being exported abroad, though it be the only product of the iſland of which we have an overplus to ſpare.

Many of our orchards are planted ſomething in imitation of the famous Quincunx [5], and all of them in an order that gives them a beauty beyond what I have obſerved in Gloceſter or Herefordſhire, where appears little exactneſs in the poſition and mutual

[1] I muſt retract ſo much of this parentheſis, as affirms the birth of the Cardinal to have been in this iſland. The matter ſtands thus, his father, a gentleman of Normandy, and miniſter among the reformed, to avoid the perſecutions in France, fled hither with his family, and here abode ſome years. The Cardinal was then ſo young, that I was unwarily led into the error of ſuppoſing him born amongſt us. How he came to apoſtatize afterwards, is nothing to our purpoſe.

[2] 'Tis ſuppoſed by the Carthaginians, who drove a great trade in all parts of Spain.

[3] Perroniana, in voce Cidre, p. 56. and 206.

[4] Chap. X.

[5] Cùm autem admiraretur Lyſander & proceritates arborum, & directos in Quincuncem ordines, &c. Cicero de Senectute, §. xvii. Quid illo Quincunce ſpecioſius, qui, in quancunque partem ſpectaveris, rectus eſt? Quinctilianus de Inſtit. Orat. Lib. VIII. Cap. 3.

aſpect of the trees. Nor is there better, larger, and more generous fruit, than what grows in this iſland; but we have it in ſuch plenty [1], that 'tis not poſſible we ſhould be as nice in gathering it, and improving afterwards by art that ſea of liquor which is drawn from it, as others are who have leſs. The common practice is to mingle all, ſweet and ſour, too often ripe and green, confuſedly together. Such cyder, kept two or three years, or more, in large veſſels holding ſeveral hogſheads, becomes as ſtrong and inebriating as wine, which the effect it has among our people too viſibly declares. Where gentlemen are curious for their own drinking, and cull the choiceſt fruit, then rack and bottle the cyder, as is done in England, it yields in nothing to the celebrated Redſtreak, or rather ſurpaſſes it, in that it has more body [2]. We find by experience that the beſt fruit for eating, is not the beſt for cyder. We prefer the bitter-ſweet to all other, but the cyder requires more time in refining.

Every houſe that has a plantation, though but of three or four Vergées, is provided with a mill to grind the fruit. There is firſt a trough, made of ſix or ſeven great ſtones ſtrongly cemented together, and hollowed deep with the point of the hammer, the whole exactly circular, and of twelve to fifteen feet diameter. In this trough, a large heavy mill-ſtone, turned round by a horſe, ſtamps the apples to a maſh. The maſh is then carried to the preſs, where being very artfully piled up, the juice is ſqueezed out, to the quantity of four or five hogſheads at a time. One trough will keep two preſſes going, and where there are two ſuch in a houſe, there will eaſily be made four and twenty hogſheads of cyder per week. Thoſe troughs (here called Tours) come to us from Chauzey, a ſmall French iſland about eight or nine leagues to the South of us, where is an inexhauſtible quarry of ſtone of all other the fitteſt for this uſe.

No longer ago than Queen Mary's reign, there was ſo little cyder made in this iſland, that the inhabitants were neceſſitated to apply to her for leave to import yearly from England cuſtom free five hundred tons of beer for their proviſion, beſides one hundred and fifty tons more for the garriſon.

In older and more remote times, our drink was mead. Which when made ſtrong,

[1] Some ſingle trees have been known to produce a ton, or four hogſheads of cyder.

[2] Since my living in Hartfordſhire, I have had ſome brought me from the iſland, made of the fruit growing on my little eſtate there, and ordered as above, which for colour, ſoft and mellow taſte, and that pleaſant flavour it retained of the apple, was much admired by all who drank of it.

and

and for keeping, was called Vittoé [1]; when weaker, and for preſent ſpending, had the name of Boſchet; both anſwering to the ὑδρόμελι and μελίκρατον of the ancients. For then the iſland abounded with large and numerous apiaries, which thrived exceedingly, but have not been ſo much minded ſince the increaſe of cyder. Yet to this day Jerſey honey will ſcarce admit of a compariſon, and in the iſland itſelf bears more than quadruply the price of what comes to us from Normandy or Bretagne.

Could men be ſatisfied with the common drink of nature, water I mean, no people in the world are better ſupplied with that than we. It is, in my opinion, the great wonder of this iſland, that whereas 'tis but as it were a great rock in the midſt of the Salt-ſea, it abounds, perhaps beyond any other country under heaven, with freſh and excellent ſprings, which guſh out of the ſtony Strata, and bubble up every where, running in a thouſand pretty ſtreams along the dales, till they loſe themſelves in the great receptacle of waters, the ocean. On higher grounds, where wells muſt be ſunk, we ſeldom need go deeper than ſix or ſeven fathoms, ere we meet with moſt pure and ſweet water.

Nor do we want water for phyſic, any more than for common uſe. Some years ago, there was diſcovered in St. Mary's Pariſh, a ſpring ſtrongly impregnated with a purging mineral; to which, in proper caſes, our ſick may have recourſe, inſtead of going as heretofore to Dinan in Bretagne, to their no ſmall trouble and expence, beſides that the way thither was often ſhut up by a war. The approbation given to this water by Dr. Charleton, a learned Engliſh phyſician then ſojourning with us, helped to put it into credit.

Though we are not ſo great fleſh-eaters as in England, our ſhamble on a market-day is well provided with good and wholeſome meat; beef, mutton, lamb, &c. whoſe ſweet and tender fleſh makes many prefer it to what is elſewhere both larger and fatter. This muſt be owing to the ſhortneſs of our graſs, and its not having the rankneſs of richer and deeper paſtures. Hence alſo the peculiar goodneſs of our butter.

It appears from Mr. Camden, that in his time this iſland was noted for bearing ſheep with four horns [2]. But his information in this matter ſeems not to have been altogether exact. For the ewes indeed had no more than four, but the rams had ſix, viz. three on each ſide, one bending forwards in a ſemicircle towards the noſe, another

[1] Hence the word envittoûé, formerly uſed to ſignify intoxicated.

[2] Oves habet multas, & ex eis plurimas quatuor cornibus conſpicuas. De Inſul. Britan. p. 804.

backwards towards the neck, and the third ſtanding up erect in the midſt of the other two. Theſe are no longer, or very rarely, ſeen. Being of the ſmalleſt kind, conſequently not ſo profitable to the owners, it put our people upon introducing a larger breed from England, which with time, and change of paſture, are ſunk again into a leſs ſize.

Horſes we have not many good for the ſaddle, but enough for the cart and plough, ſtrong though ſmall, leſs ſubject to diſtempers, and that will bear more fatigue, and fare harder without inconvenience, than Engliſh horſes. I have ſeldom ſeen any foundered and lame, ſo that there is but little buſineſs here for farriers.

Our conſtant game is only the hare and rabbit. There are neither bucks, ſtags, wolves, nor foxes, in this iſland; which require more ſpacious countries to range in.

Of fowl we have plenty of all ſorts, whether barn-fowl, wild-fowl, or ſea-fowl; among the latter the famous Soland geeſe, called here Bernacles, which come only in very cold weather. That thoſe fowls are bred of a rotten plank or rib of a ſhip, which has been long floating in the ſea, and imbibing its ſalts, is the vulgar opinion here. Many will tell you they have ſeen them yet ſticking to the wood; ſome no bigger than muſhrooms, and almoſt of that ſhape; ſome a little more brought into form; others perfectly fledged, and juſt ready to fly. The new philoſophy, which explodes equivocal generations, and teaches that the ſmalleſt inſect derives its being from a parent male and female, has not yet made its way amongſt us. And indeed is there a place in the world, where the moſt do not ſtill believe that innumerable creatures proceed from corruption?

The Jerſey partridge *, with pheaſant's eyes, red legs, and feathers of various colours, is one of the beautifulleſt birds in nature, and has been often ſent alive to perſons of quality in England, as a great rarity; but the fleſh is not much better than of the common grey partridge. The many hedges breed and afford ſhelter to an infinite number of ſmall birds, who chirp it merrily all ſpring and ſummer long, and delight the traveller with their pretty melody. But the huſbandman pays dear for that muſic, for they are very deſtructive to his corn and fruit.

* I do not mean, by calling it ſo, to appropriate it to ourſelves. 'Tis common enough in ſouthern countries.

It were ſtrange if an iſland ſo ſituated, near a continent and amidſt rocks and ſhelves, ſhould not be well ſupplied with fiſh, ſuch places being where they moſt delight to haunt. And better ſupplied it would yet be, did our people follow the fiſhing trade as much as in Guernſey, where every day of the week boats come in laden with freſh proviſion from the ſea. It will be ſufficient to mention a few of each ſpecies. (1.) For ſhell and rock-fiſh, beſides oyſters, lobſters[1], crabs, and numberleſs more of that tribe, we have the ormer, a fiſh known (I think) only hereabouts. Ormer (ſays Mr. Poingdextre) is a contraction of *Oreille de mer* [*Auris marina*] a name given to it becauſe of its form, reſembling the ear of a man, but twice as big. The fiſh within the Shell is a ſolid lump of white pulp, very delicious, and coming neareſt in taſte to the fleſh of land animals. The ſhell in the inſide is of the colour and brightneſs of Mother of Pearl, and has been uſed inſtead of it for inlaid works. It has no under ſhell like the oyſter, but the fiſh clings to the rock with its back, and the ſhell covers the belly. 'Tis found only at low-water marks, in great ſpring-tides. (2.) For flat fiſh, we have an infinite ſtore of Rays, ſome with prickles, and thoſe are the Thornbacks, others without them, large Turbots, Soles, Plaiſe, &c. all theſe in abundance. (3.) For ſcale-fiſh, we have ſtill a greater variety. In the ſpring, Baſe come by ſhoals ſo near the ſhore, that cart-loads have been taken at a draught. But the moſt eſteemed is the Mullet, both red and grey, and another we call Bar, a dainty fiſh, often two feet long. The commoneſt, and to be had at all times is the Vrac, a ſort of ſea-carp. (4.) For rough coated fiſh, ſuch as go amongſt us by the names of Haus, Rouſſes, &c. as they are the coarſeſt, ſo are they the cheapeſt of all fiſh, therefore bought by the meaner ſort of people. But the ſea about this and the adjoining iſlands might be ſtiled the kingdom of Congers, ſo great is the quantity taken and brought to market at all ſeaſons, ſome weighing from thirty to forty pounds. Otho de Grandiſon, Lord (or Governor) of theſe iſlands in the reigns of Edward I. and II. forced an impoſt upon Congers ſalted for tranſportation; and it amounted to four hundred Livres Tournois by the year, at only one Penny Tournois for every Conger above ten pounds weight ſo ſalted and tranſported[2].

My deſign is not to give a complete natural hiſtory of the iſland. I might elſe take notice of divers more, remarkable for ſome peculiarity or other; as the Sirene, or Mer-

[1] Good part of the lobſters eaten in London come from theſe Iſlands, boats going and coming continually for that purpoſe.

[2] This was an illegal act of an arbitrary governor, for which his widow ſuffered ſeverely in Edward the III.'s time.

maid, ſo called from its having teats like a woman; the Gronnard, to which our fiſhermen have given that name by reaſon of the grunting noiſe it makes, when it finds itſelf intangled in the net. It is of a perfect blood-colour, with a head almoſt as big as the reſt of the body. But I muſt not omit the Lancon (as much as to ſay a little lance, becauſe 'tis ſomewhat like one) which has this property, that 'tis never found in the water, but in ſome moving ſand-bank left dry by the ſea at low ebb, and there it hides and buries itſelf pretty deep, till the ſand being ſtirred with an iron hook, it leaps up, and is taken by handfulls. It was formerly a great paſtime with young people of both ſexes, in the warm nights of July and Auguſt, to go a catching this fiſh, which they called aller au Lancon. For the night is beſt for that ſport, and the fiſh gliſters on the ſand. It might be prepared as an Anchove, but is uſually eaten freſh, and when not kept too long, and well dreſſed, is a very good diſh. We always thought it ſingular to this place, but Mr. Ray tells us, that they have it alſo in Cornwall, where they call it a ſand-eel [1].

The ſea being ſo bountiful to us, we may the better be without freſh-water fiſh, of which (for want of great rivers) we have only the Carp and the Eel, found plentifully in gentlemen's viviers or fiſh-ponds, eſpecially in the fine canal of Samarez. Beyond all, there is a large pond in the weſt of the iſland, taking up in compaſs about twenty acres of ground, and belonging to the Seigneur de St. Oûen, where grows a Carp of ſuch unuſual bigneſs, and of ſo excellent a taſte, that 'tis hardly to be equalled in Europe. Some have been brought into England that were three feet four inches long.

The only blemiſh and diſgrace of this iſland (as it is by ſome accounted) is the great multitude of toads which ſwarm in it, and are chiefly ſeen in Summer and moiſt weather. It muſt be owned they are no very agreeable ſight, though many of them have their ſkins finely ſpeckled and variegated. It is commonly ſaid, poiſonous as a Toad; but where that poiſon lurks, or in what manner it operates, we are yet to find. They neither bite, nor ſting. They lye in our ſweeteſt water, and among our beſt fruit when it falls on the ground; and it is not known that ever any man received an injury from their doing ſo. The notion our people have of them is, that they draw out what is noxious and impure in the elements, and thereby contribute to health; and this they pretend to prove by the contrary example of Guerneſy, which will not ſuffer a Toad to live in it, and yet is thought not ſo healthy as Jerſey. However that be,

[1] Wiſdom of God in the works of the Creation. Part I. page 140.

theſe

theſe and others ſuch unſightly creatures, found both on the land and in the waters, ſeem wiſely contrived and deſigned by the Almighty Creator, as foils to ſet off the beauty of his other works. As likewiſe we are more ſoutherly, and conſequently warmer than England, ſo in proportion we have more of the ſerpentine kind; but the heat not being intenſe enough to exalt their venom to any dangerous degree, we find them as harmleſs as the Toads. They hurt only ſuch other creatures as Providence has allotted for their food. And as for thoſe pretty green Lizards, which in a hot Summer's day are ſeen baſking in the ſun, looking earneſtly and as it were with pleaſure upon a man as he paſſes by, ſcarce flying unleſs they apprehend themſelves to be purſued, they are an oruament rather than a deformity to the iſland. We receive the greateſt annoyance from Moles, which abound with us, to the vaſt detriment of corn and graſs, but doubtleſs to the benefit and melioration of fruit trees, by perforating the ground, and giving the rain a freer paſſage to the roots. It is thoſe great banks of earth, raiſed here for fences, that afford to all theſe creatures their proper latibula, and that increaſe their breed. Were the country as open as in other places, we ſhould have fewer of them.

The iſland is (praiſed be God) generally healthy. And naturally it muſt be ſo, conſidering the height and declivity of the land, and (in conſequence of that) the rapidity of the ſtreams, together with thoſe freſh breezes which blow almoſt continually from the ſea; the unſalubrity of any country ariſing chiefly from a low ground, and a ſtagnating air and water. Hence men have ſound and robuſt bodies, and live to a good age, if by exceſſes of one ſort or other they do not impair their healths, and ſhorten their days. There are places by nature ſo ſickly, that the inhabitants cannot help ſucking in poiſonous miaſms with the air they breath; but moſt inexcuſable are thoſe men, who by irregular living bring diſeaſes upon themſelves, which are not of the growth (as I may ſay) of their country. I know none ſuch here, unleſs it be an ague in September, after the toil and labour of harveſt; to which therefore I would rather aſcribe the ſame, than to any intemperature in the Heavens. Mr. Camden ſlightly mentions it; then adds, that there was no buſineſs here for phyſicians [a]. It is not ſo now, ſince the coming in of gouts and other diſtempers unknown to our more ſober and virtuous anceſtors.

The cold here in winter is not ſo great as in other parts under the ſame latitude. But we are very ſubject to high winds, which blow moſtly from the weſt, and againſt

[a] Medicis hîc nullus locus. De Inſul. Britan.

which

which we have no nearer ſhelter than the great continent of North America, the next land to us on that ſide.

That vaſt and amazing chain of rocks that invirons the iſland, ſome above, others under water, ſome nearer, others farther off, and the many ſtrong tides and currents that run among thoſe rocks, all theſe render the acceſs ~~to us~~ very difficult and full of hazard, except to ſuch as are well acquainted with the coaſt. That many of thoſe rocks were once firm ground, which the force of the ſea has torn from the ſhore, waſhing off the ſofter and looſer earth, and leaving only what it could not diſſolve, is more than barely probable. For thus we are well aſſured, that four hundred years ago, part of the great bay of St. Oûen was a rich vale, which the ſea has ſwallowed up. Not only ancient records ſpeak of a people inhabiting that tract, but to this day at low water great ſtumps of oaks ſhew themſelves in the ſand, with evident marks of buildings among the rocks. Thus alſo the iſlet whereon Elizabeth-Caſtle ſtands, was joined to the main land when St. Magloire came hither about the year 565 [1], and I have reaſon to believe, ſo continued ſome hundred years after.

As for the tides about this and the other iſlands, "they are (ſays Mr. de Samarez,) very extraordinary, and differ from the reſt in the channel. They receive their motion at the mouth of the ſaid channel, and take different impreſſions from the ſeveral heads of lands, and ledges of rocks, along and through which they paſs. They tend eaſt-ſouth-eaſt to the bay of Mont-Saint-Michel, by reaſon of its flatneſs. In that bay the ſea flows and ebbs ordinarily from fifteen to twenty miles, and fills it in the ſpace of two hours. When 'tis full, the motion of the tides is checked, and they are conveyed northwards along the coaſt of Normandy, and ſo in twelve hours quite round the iſlands. The currents ſucceed ſo one another, that there is no ſtill-water here, as in the channel, at low-ebb."

The iſland is divided into twelve pariſhes, ſo laid out that all have communication more or leſs with the ſea. St. Saviour has the leaſt. This ſeems to have been done for the ſake of the perquages, ~~thoſe~~ ſanctuaries to criminals ~~deſcribed above~~. The pariſhes are again ſubdivided into vintaines, ſo called from the number of twenty houſes which each ſuch ſubdiviſion is ſuppoſed to have anciently contained, as in England ten houſes made a tything. Though the name remains, ſome vintaines have now more than three or four times the original number, as may be ſeen in the map; and in that reſpect,

[1] See the Chapter of Religion.

though not in extent of ground, exceed many pariſhes in other countries. In St. Oûen they are called Cueillettes, I know not for what reaſon.

This ſcheme exhibits all the pariſhes with their ſubdiviſions.

I. St. Oûen, ſix Cueillettes, viz.
- de Vinchelés.
- des Millés.
- de Leoville.
- des Grontés.
- Grande Cueillette.
- Petite Cueillette.

II. St. Peter, ſix Vintaines, viz.
- des Angueres.
- du Coin Varin.
- du Doet.
- de St. Nicholas.
- de la Vallée.
- Grande Vintaine.

III. St. Brelade, four Vintaines, viz.
- des Quenvés.
- de la Moye.
- du Coin.
- de Noirmont.

IV. St. Mary, two Vintaines, viz.
- du Nord.
- du Sud.

V. St. Lawrence, four Vintaines, viz.
- du Coin Motier.
- du Coin Tourgis.
- du Coinés Haſtains.
- de la Vallée.

VI. St. John, three Vintaines, viz.
- du Nord.
- du Doet.
- de Herupe.

VII. Trinity, five Vintaines, viz.
- de la Ville a l'Eveſque.
- du Rondin.
- de Roſel.
- des Augrés.
- de la Croizerie.

VIII. S. Helier, four Vintaines, viz.
- du Mont à l'Abbé.
- du Mont au Prétre.
- du Mont Cochon.
- de la Ville.

IX. St. Saviour, ſix Vintaines, viz.
- de Maufant.
- de ſous la Hougue.
- des Pigneaux.
- de ſous l'Egliſe.
- de la grande Longueville.
- de la petite Longueville.

X. St. Martin, five Vintaines, viz.
- de Roſel.
- de la Queruée.
- de ſous l'Egliſe.
- du Fief du Roy.
- de Faldoit.

XI. Grouville, four Vintaines, viz.
- de la Rue.
- des Marais.
- de Longueville.
- de la Roque.

XII. St. Clement, three Vintaines, viz.
- du Mont-Roquier.
- de Samarés.
- Grande Vintaine.

Cueillettes and Vintaines in all fifty two.

St. Helier is the head-town of the whole iſland, and the next to it is St. Aubin, which laſt gives name to the bay wherein they are both ſeated, three miles aſunder. It

is

is a bay of fine white ſand, firm and level, which makes travelling ſmooth and pleaſant from one town to the other. The ſituation of St. Helier is both commodious and delightful. On the ſouth-weſt it has the ſea, with a full view of Elizabeth-Caſtle, and of the road for ſhips. All round on the North quarters, it is fenced againſt cold blaſts, by hills riſing up gradually into the iſland. From the bottom of thoſe hills to the town lies a flat of meadows, watered by a clear ſtream, which, after it has enriched them, enters the town, runs along ſome of the ſtreets, nay under ſome of the houſes, ſo that by a bucket let down through a trap-door the water is brought up with the greateſt eaſe. How far the nearer neighbourhood of a another great hill, one prominence whereof hangs in a manner over the town, may be a benefit or a nuiſance to it, I will not undertake to decide. As 'tis a common, it ſhould be beneficial, for the ſake of herbage; and to gentlemen and ladies, it affords a lovely walk, with a moſt extended proſpect on all ſides. This is the hill mentioned before by the name of St. Helier's hill, vulgarly, le Mont de la Ville. In the reign of Edward VI. when the Duke of Somerſet had the government of this iſland, there was a talk of building a new town upon this hill[1], and incloſing it with walls; which ſo doubtleſs would have been a place of very great ſtrength, but deſtitute of the commodities the preſent town enjoys below, as particularly of freſh water. It ſeems as if that unfortunate great man intended to fortify himſelf in theſe iſlands againſt his powerful enemies, for thus alſo he began a cittadel in Alderney, which by his death remained unfiniſhed. The town, in its preſent enlarged ſtate, contains about four hundred houſes, laid out into ſeveral wide and well paved ſtreets. In the center is a large quadrangular place, faced on each ſide with handſome buildings, among them with the ſeat of Juſtice, called la Cohue Royale. There a market is kept every Saturday, more reſembling a fair than an ordinary market, by reaſon of the great concourſe of people reſorting to it from the remoteſt parts of the iſland, not only to buy and ſell, but to diſpatch all ſorts of buſineſs, or even purely to enjoy the converſation of their friends. The town is inhabited chiefly by merchants, ſhopkeepers, artificers, and retailers of liquors; the landed gentlemen generally living upon their eſtates in the country. In ſhort, here is ſcarce any thing wanting for neceſſity or convenience. Beſides the ſtream running through the place, there is a farther ſupply of good water from wells and pumps. The corn-market [la Halle a blé] is a piazza, under a pile of buildings ſupported by pillars, where the country people with their corn ſtand dry in all weathers. And ſo likewiſe the ſhamble [ſimply la Halle, or la Boucherie] is a ſpacious room incloſed, ſo that in paſſing the ſtreets, neither the

[1] Chron. MSS. de Jerſey. Ch. xxv.

ſight nor ſmell are offended with dead carcaſſes of beaſts, expoſſed on ſtalls, or in open ſhops, as is too common elſewhere. Whoever has obſerved the difference betwixt a clean well-built town, and an irregular jumble of houſes, with miry ſtreets and lanes, (and many a country market-town is no better,) will not think theſe remarks trivial, or out of the way. As to the number of inhabitants, by taking them at a medium of five to every houſe, which ſeems neareſt to truth, we may pronounce them two thouſand of all ſorts, without fear of erring much on either hand. And herein I do not include the dwellers in the out Vintaines, who amount to ſome hundreds more, and are pariſhioners, though not townſmen. For all theſe the church in the town, though very capacious, and filled with galleries, is no more than barely ſufficient. This deſcription of St. Helier would not have fitted it in Mr. Camden's days, nor even ſo low as 1694, when my book was firſt publiſhed; many particulars here mentioned, with others which for brevity I omit, being latter improvements.

St. Aubin is a town of merchants and maſters of ſhips, who firſt ſettled in that place (otherwiſe not ſo proper to build on, becauſe too much ſtraitned between hills and the ſea) for the ſake of the adjoining port, the beſt and moſt frequented in the iſland. In extent and bigneſs, 'tis leſs than St. Helier by more than one half, but vies with it in the neatneſs of the houſes. For here they are almoſt all new, whereas among the more elegant modern ones of St. Helier, there are not a few remaining of antique faſhion, which in compariſon make but an indifferent figure. And here alſo every Monday is held a market, improperly ſo called, it being rather an exchange, or meeting of merchants and others, about affairs relating to navigation and foreign commerce. The town lies in the pariſh of St. Brelade, and becauſe the church is at a diſtance, with the way to it over a bleak hill, the inhabitants, moſt of them eaſy in their fortunes, have built a handſome chapel for divine ſervice, by a contribution among themſelves.

The port, as nature made it, and as it was threeſcore years ago, did not enough cover the ſhips within, againſt ſome particular winds. Therefore, a ſtrong and maſſive ſtone work, or pier, in imitation of that of Guernſey, has been carried into the ſea, which locks them in, and now is a ſafe and quiet harbour for them. In this pier "a fixth "rate juſt floats at a dead neap, and a ſhip of two hundred tuns at all times[1]." Our trade does not require greater veſſels than of a hundred and twenty or thirty tuns, and for thoſe there is always entrance at half flood. Large ſhips and men of war, ſuch as ſometimes viſit us from England, muſt keep without in the road, where is very good

[1] Mr. La Baſtide's Proſpect of the Fort, Harbour, and town of St. Aubin.

ground

ground for anchoring. The pier joins to the fort of St. Aubin, and as that defends the ſhips from the violence of the winds and waves, ſo this protects them againſt the inſults of an enemy. By a laudable emulation, St. Helier is raiſing ſuch another great work at a convenient place near it; which is ſo far advanced that it already does good ſervice, and will do more when brought to perfection.

After ſo much ſaid of the two principal towns, it were ſuperfluous to enumerate ſmaller hamlets, and cluſters of houſes, ſcattered up and down the iſland; the whole being indeed ſo full of habitations, that it more reſembles a great village than an open and champaign country. By looking into the map, one may ſee how thick they ſtand in the ſeveral vintains. And yet the numbers there, fall ſhort of the preſent numbers. For 'tis not leſs than fifty years, ſince that account was taken by Mr. de Samarez, and inſerted into his original draught, of which the map in this book is a copy, and in that time the numbers have been conſiderably augmented. They are doubled in the Vintaine de la Ville, but 'tis not ſo in the reſt. This increaſe of houſes is very much owing to the diviſion of land among the children of a family. A younger brother, having but a few *vergées* for his lot, ſhall take it into his head to lodge himſelf (as the phraſe here is) upon his little fund, and ſo up riſes a new houſe where never any was before. And an increaſe of houſes inferring an increaſe of people, it follows that theſe alſo muſt, in thoſe fifty years, be multiplied in proportion. I computed them at between fifteen and twenty thouſand, but muſt now enlarge the account, and allow them to be the twenty thouſand full, and upwards. And even ſo, I am aware ſome will think the eſtimate too ſcanty, believing them to be many more; while others will look on it with admiration, that on ſo ſmall a ſpot of the earth, there ſhould twenty thouſand ſouls be found, all, excepting a very few, natives of the place[1].

This throng of inhabitants, and multitude of hands to defend the iſland, makes its ſtrength and ſecurity. Therefore, whatever might tend to thin their numbers, muſt alſo in the nature of the thing tend to weaken the place, and expoſe it to an enemy. An oppreſſive government, a diminution of its privileges, hardſhips and diſcouragements laid on its trade, and the like, would in time do that, and ſink its thouſands to hun-

[1] This diſtinguiſhes us from the ſugar iſlands, Barbadoes, Antego, &c. ſaid alſo to contain a great people. But what people? Slaves and negroes introduced from abroad, and bought with money like cattle, the proprietors and freed men ſcarce being a fourth or fifth part of the whole: and even thus mixed, they come not up to our numbers. For example, in Antego, whites and blacks together are at the higheſt but ſix and twenty thouſand, though the iſland be twice as big as Jerſey. See Britiſh Empire in America, Vol. II. pag. 175.

dreds. Were not the iſland thus populous, it could not defend itſelf; and nothing but great privileges and immunities quietly enjoyed will keep a people together, and promote their increaſe, who by their ſituation are continually in the mouth of danger. But of this again, in a more proper place[1].

Buildings, both in town and country, are ſubſtantial and ſtrong, being all of ſtone. The common ſtone of the iſland is a rag ſtone, hard and brittle, and therefore not eaſily brought into form. There can be no want of it in a country that is itſelf but a huge rock, covered to a greater or leſs depth with a coat of earth. But beſides that, there is in the pariſh of St. John, on a hill called Mont-mado, a rich quarry of excellent ſtone, riſing in great blocks, and capable of being cut and ſhaped into regular ſquares, like the Portland ſtone in England. The rag ſtone ſingly ſerves tolerably well for meaner houſes, and keeps the weather out better than plaſter or loom. But 'tis more uſual to employ both ſorts together; namely, the Mont-mado for corners, doors, windows, mantle-pieces, &c. the rag ſtone for filling up the interſtices in the walls; and houſes thus built are very compact, and make a handſome ſhew. Here and there gentlemen and rich merchants will have theirs faced wholly with Mont-mado, or, inſtead of that, with Chauzey ſtone, which comes from the little French iſland of that name mentioned before. They are both of a fine grain, and are wrought with the point of the hammer almoſt as ſleek as poliſhed marble. The Mont-mado is of a reddiſh white, and the whiter the more eſteemed; the Chauzey is of a bluiſh white, and with this laſt the town of St. Malo, in our neighbourhood, which affects a magnificence equal to a capital of a kingdom, is built altogether. France or England ſupply us with lime, having none of our own; and the latter with blue ſlate, to cover our churches and fineſt ſeats. But this coming pretty dear, we muſt for the moſt part be contented with thatching; which here is done with long well-choſen wheat ſtraw, as little bruiſed as poſſible, laid on ſo artificially, bound ſo firm, and cut ſo ſmooth and even, that the work not only looks well to the eye, but will reſiſt a ſtorm of wind better than I have obſerved common tyling to do in England. Theſe Jerſey houſes, with proper care, will ſtand ſome hundreds of years, and would much ſurpaſs the ſlighter buildings of other countries, were the finiſhing and furniture anſwerable to their ſolidity. But our people, eſpecially the middle

[1] In the Chapter of Privileges.

[a] What the right reverend Biſhop of Man, in his deſcription of that iſland, ſays of a rock there, is perfectly applicable to our Mont-mado, viz. "That out of it are wrought long beams (if one may uſe that expreſ-
" ſion) of tough ſtone, fit for mantle-trees, twelve or fifteen feet long, and ſtrong enough to bear the weight
" of the higheſt ſtack of chimneys." Camden's Brit. Second Engliſh Edit. Vol. II. Col. 1443.

ſort,

ſort, have more regard to ſtrength and durableneſs than to ornament. And there is good reaſon for it from the tenure of houſes and land amougſt us, which is not for a certain limited term of years only, like farming in England, but a *fin d'heritage*, as we expreſs it, that is to ſay, for ever. Hereby a man being perfectly maſter of what he poſſeſſes, prudence will direct his layings out, not in things of more preſent ſatisfaction or curioſity only, and that will abide no longer than himſelf, but in ſuch as may paſs to his children's children, who are to enjoy the tenement after him. And in this view he builds ſubſtantially, and does many other things for a laſting improvement, which one who holds only for a time has not encouragement to do.

Trade with us is ſubject to many ebbs and flows, according as we have war or peace with our neighbours. In 1694 I complained of its being ruined by the armateurs of St. Malo, who then reigned in theſe ſeas, and in a manner blocked us up. At length we ourſelves took to the ſame courſe of privateering, which, though gainful to ſome particular perſons, could not make us amends for the loſs of a peaceable open trade, the benefit whereof is more general and diffuſive. Since things have been quieter, we are got again into our old track of buſineſs, and yearly ſend ſeveral good ſhips to Newfoundland [1], which from thence proceed into the Mediterranean with their lading of fiſh, call at the markets there, and bring home good returns to their owners. This is the prime trade we carry on abroad; and as none is fairer, and leſs liable to objections, 'tis evidently our intereſt to purſue it with greater application than any other. There is a diſhoneſt clandeſtine trade, too much grown into practice every where, and England has ſometimes (though I verily think without good foundation) conceived a jealouſy and diſtruſt of this iſland on that account. So far as I underſtand, what there is here of that kind, is at leaſt to the advantage of England. I mean the running of tobaccos into France, which increaſes the ſale and conſumption of an Engliſh commodity. Yet neither do we run thoſe tobaccos ourſelves, or do it very rarely; but they among the French who allow themſelves in that way, come and take them of us. We have but one conſtant ſtanding manufacture for exportation, namely that of knit hoſe or ſtockings, of which many thouſand pairs are weekly made in the iſland [2], and ſold at St. Helier every Saturday by the knitters to the merchants; who heretofore uſed to carry or ſend them to Paris, and Rouen, and even as far as Lyons, in France, and there had a

[1] In the year 1731, there went out ſeventeen ſhips, with fifteen hundred men; and in the year 1732, the number of ſhips increaſed to ſeven and twenty.

[2] Mr. Poindextre computed them at ten thouſand, but Mr. de Samarez at leſs.

good

good price for them. But when the famous Colbert ſet himſelf to advance the commerce and manufactures of that kingdom, he cauſed ſo high a duty to be laid on this traffic as amounted to a prohibition. London is the preſent market for them, from whence they are with other Engliſh goods diſperſed into various parts of the world. The wool they are wrought with comes to us from England, two thouſand tods uncombed being by conceſſion of parliament allowed us yearly, for ſupporting the ſaid manufacture, and employing our poor [1]. And England is no loſer by that conceſſion. For whereas it takes little or nothing of us ſave thoſe ſtockings, we draw from it all ſorts of mercery and grocery wares, houſhold goods, leathers, corn, Newcaſtle coal, &c. which muſt be anſwered with money, where the produce by the ſtockings is deficient, as it always is, and always will be, to the amount of conſiderable ſums. This ſhould be a caution to our people to import only things of neceſſity, and none of luxury, leſt the balance turn too much againſt them, which in the end would prove fatal to the iſland. Our fore-fathers lived well though they traded leſs, becauſe their manners were modeſt, ſimple, and frugal.

Eſtates in land cannot be great in a country where there is ſo little of it, and ſeldom to be bought under thirty years purchaſe. So that what is merrily ſaid "of a gentle-"man's walking in a morning ſome miles outright on his own grounds for his health" is a piece of wit quite loſt amongſt us, no gentleman in this iſland having ſo extended a walk on his own property. 'Tis a work of time and of great induſtry, to enlarge an inheritance here; and when done, 'tis moſt commonly ſo by acquiring rents charged on other men's eſtates. A rent charge is not a thing unknown in England, but here thoſe rents are differently conſtituted, being made payable in corn, or things of the like nature. Such a rent may originally be created thus. A man who wants money, ſells (for example) a quarter of wheat upon himſelf, that is, binds himſelf and his heirs for ever with the annual payment thereof; and this ſame rent ſhall perhaps afterwards paſs from the firſt purchaſer through many hands ſucceſſively, every ſeller ſtill guaranteeing the buyer. Thus again, the proprietor of a tenement with land lets it out to another, for ſo many quarters of wheat for ever yearly; nay, though it be but a houſe, with not a foot of land to it, as in the town, 'tis let in the ſame manner for a rent in wheat, which ſeems abſurd, yet is our practice. The term for payment of theſe rents is Michaelmas, from whence to St. Lawrence's day next following [2], they may be paid in ſpecie. After

[1] Stat. 12. Car. 2. Cap. 32. A like allowance to Guernſey of a thouſand tods, to Alderney of two hundred, to Sark of one hundred.

[2] Auguſt 10.

that

that, it muſt be in money, according to a certain rule or ſtandard ſet by the royal court; which always meets upon that day, and from an account laid before of it of the ſeveral rates that corn has been ſold at in the market every Saturday throughout the year, determines the price of the rents remaining unpaid. Now then when 'tis aſked what eſtate a man has in this iſland, the queſtion is not, how many pounds, as in England, or how many livres, as in France, but how many quarters of wheat he is worth yearly. And this makes eſtates with us ſomewhat variable and uncertain; ſeeing they muſt riſe and fall according to the price of corn each year in the market. A Jerſey eſtate of a hundred quarters of wheat, may be ſuppoſed pretty near equal to one of ſeventy pounds in England; and he that is worth two or three hundred ſuch quarters, is called a rich man in this iſland.

Gavelkind, or the partition of both real and perſonal eſtates among ſons and daughters, is our ancient uſage, and deſtroys many an inheritance, by mincing it into ſeveral parcels; which peradventure in the next generation, ſhall be ſubdivided again into ſtill leſſer portions, and ſo on, till an eſtate is reduced almoſt to nothing.

In ſhort, he who is ambitious of raiſing a great eſtate, muſt look out for another country, for 'tis not to be done in this iſland. But a man of moderate deſires (and ought not every Chriſtian to be ſuch?) may enjoy himſelf very comfortably in it, always ſuppoſing peaceable times. The cheapneſs of things makes a little money go a great way; and the exemption we enjoy from taxes, and impoſitions on what a family conſumes, renders a ſmall eſtate equivalent to one of better value elſewhere.

The language is French. Divine ſervice and preaching, pleadings in court, public acts, converſation among the more genteel and well-bred, all theſe are in good French; but what the vulgar do ſpeak, is confeſſedly not ſo. Yet even that is not ſo properly a corrupt, as an obſolete and antiquated French. For, excepting the vicioufneſs of pronunciation, it ſeems to be the very ſame that obtained in France in the reigns of Francis I. and Henry II.; as appears from the books and writings of that age, wherein one finds abundance of words, retained to this day by our people, which a polite modern Frenchman would not uſe, perhaps does not underſtand [1]. All languages are ſubject to change, but none has undergone more or greater alterations than the French, whether for better or worſe is not agreed among their own writers; ſome of whom com-

[1] As craffet, for a lamp to burn oil in; huche, for a large wooden coffer; with innumerable others.

plain that their language has been impoverished by too much refining it, and casting off words of great usefulness and significancy. After all, there are spoken in many provinces of that kingdom various jargons, not a whit better than the worst amongst us; and what is said by them of themselves; *que les gens de qualité, & les gens de lettres, parlent bien par tout*, i. e. that people of fashion, and men of learning, speak well every where, is (I trust) no less applicable to others. It ought not therefore to deter English parents from sending their children hither to learn French, though at the hazard of carrying back a few less modish and elegant turns of speech, which books and good company will easily correct afterwards. Here, they will be out of the way of men who lye in wait to deceive, and their religion and morals will be safe, which cannot be said of the places they go to. Add to this, a saving and lessening of expence. Albeit French be our ordinary language, there are few gentlemen, merchants, or considerable inhabitants, but speak English tolerably. The better to attain it, they are sent young into England. And among the inferior sort, who have not the like means of going abroad, many make a shift to get a good smattering of it in the island itself. More especially in the town of St. Helier, what with this, what with the confluence of the officers and soldiers of the garrison, one hears well-nigh as much English spoken as French. And accordingly the weekly prayers in the town church, are one day in French, and another in English.

In this island are many very ancient families, not only among the qualified gentry, but even among those of a middle rank and degree. Of which latter there are some of several hundred years standing, as all our records, and particularly the Old Extent of 1331 [1], plainly testify. This is owing to the perpetuity of our tenures, not subject to

[1] 'Tis a rent roll, or register of such as held land from the crown, An. Vto. Ed. III. wherein are preserved the names of families then in being, and that have subsisted ever since in statu quo, which is an antiquity of no less than four hundred years. And it not being amiss to give one instance at least of a thing scarce seen elsewhere, I shall give it in my own family, with which I may be freer than with another. The extent is in Latin, and what follows is extracted from it.

In Parochiâ Sancti Salvatoris.

xxxxxxx

Johannes Falle, sen. [solvit Domino Regi] pro unâ Bovetâ cum pertinent, et cum particibus suis ad Fest. Sti. Mich. ii. Sol. viii. den. ad Fest. Pasch. ii. Sol. viii. den. ad Fest. Sti. Pauli ii. Sol. viii. den. per an. viii. Sol.

Johannes Falle, jun. idem:
Ricardus Falle, idem.
Thomas Falle, idem.

removes

removes and changes, as in other places, where by frequent tranſmigrations ſuch families ſoon wear out of remembrance, and their original is forgotten.

Gentlemen poſſeſſed of the principal ſeigneuries or manors (for they are not all of equal regard or dignity) have the ſame civility paid them as in France, of not being addreſſed to by their family name, but by that of their ſeigneurie, which gives them a character of diſtinction. Thus, of the name of Carteret there are the Seigneurs de St. Oûen, de la Trinité, de Vincheléz, &c. of that of Bandinel, the Seigneur de Meleſche; of that of Dumareſq, la Dame de Samarez, the Seigneur des Augrés; of that of Lempriere, the Seigneur de Dilament; of that of Pipon, the Seigneur de Noirmont; and ſo of others. The family names are moſtly Norman, ſome Breton, with a few Engliſh from King John's time downwards.

CHAP. III.

MILITARY GOVERNMENT.

THE chief officer in this iſland, he who more immediately repreſents the perſon and authority of the ſovereign, and has the precedency of all others, is the governor. Whilſt the iſland was ſubject to the Kings of France of the firſt and ſecond race, the governors were ſtiled Comites and Duces, i. e. Counts and Dukes. Thus Loyeſcon, who commanded here in the time of Clotaire and Cherebert about the year 560, is called Comes, a Count; as we learn from the compilers of the life of St. Magloire, the Apoſtle of this iſland [a]. And Amwarith, who had the ſame command under Charlemagne two hundred years after, is called Dux, a Duke; as appears from the paſſage alledged before [b] concerning Geroaldus, Abbot of Fontenelle, that, *is quadam Legatione fungebatur in inſula cui nomen eſt* Augia [i. e. Jerſey] *cui tempore illo præfuit* Dux *nomine* Amwarith [c]. Under the Dukes of Normandy, and the firſt Engliſh Kings after the conqueſt, the government of all theſe iſlands was uſually given to one man, called ſometimes Dominus, ſometimes Ballivus, ſometimes Cuſtos Inſularum, i. e. Lord, Bailly, and Warden of the Iſlands. But Henry VI. gave them, together with the iſle of Wight, to Henry de Beauchamp, Earl of Warwick, with a very extraordinary title, viz. that of King, as is ſaid in an ancient manuſcript chronicle of the Abby of Tewkeſbury cited by Mr. Selden in his Mare Clauſum [d], which ſpeaks thus. *Obiit Dominus* Henricus *nobilis Dux* Warichiæ, *et primus Comes* Angliæ, *Dominus* le Diſpenſer *et* de Abergevenney, REX *de Inſulis* Wight *et* Gardſey *et* Jardſey, *Dominus quoque Caſtri* Briſtoliæ *cum ſuis annexis*, iij°. Id. Junii A. D. 1446. *ætatis ſuæ* XXII°. *apud*

[a] See hereafter in the Chapter of Religion.
[b] Page 4.
[c] Neuſtria pia in Fontanel. Cap. viii. pag. 155.
[d] Lib. II. Cap. XIX. pag. 375.

Caſtrum

Caſtrum - - - - - - -, et ſepultus eſt in medio Chori Theokeſburiæ. When the iſlands were ſeparated, and particularly governors aſſigned to each, they were ſtiled Captains, and at laſt Governors, which title was fixed by a ſpecial order of Council, June 15, 1618.

This office has been anciently held by perſons of very great note and eminency, and we can reckon among our governors the ſons and brothers of ſome of our Kings: as John Earl of Mortain, afterwards King, who had theſe iſlands ſettled upon him in the nature of an appanage by Richard I. his brother; Prince Edward, afterwards King Edward I, ſon and ſucceſſor of Henry III. who enjoyed them in the ſame right in the life of his father; and laſtly, John Duke of Bedford, brother of Henry V.

From the time of Henry VII. Jerſey has of itſelf been a diſtinct government. His coming into this iſland, as mentioned in the firſt chapter, gave that Prince the opportunity of acquainting himſelf with our affairs; and then very probably he ſaw the inconvenience of committing the regimen of all the iſlands to one perſon. At his acceſſion to the Crown, he found that poſt filled by Sir Richard Harliſton, who had ſo ſeaſonably aſſiſted Philip de Carteret in recovering Mont-Orgueil Caſtle from the French. That gentleman was a partiſan of the houſe of York, yet in regard of the good ſervice he had done, the King would not remove him. But he did that himſelf ſome years after, by weakly giving credit to the impoſture of the Dutcheſs of Burgundy and her Perkin-Warbeck. For at her call he went into Flanders to ſerve that intereſt, and never returned. In all other reſpects he was a worthy man. A tower built by him in Mont-Orgueil Caſtle, and from him called Harliſton's Tower, will preſerve his name amongſt us whilſt that Caſtle ſtands.

Matthew Baker, groom of the bed-chamber to the King, was then made governor of Jerſey, and another appointed for Guernſey and the ſmaller iſlands. But the wiſe King was deceived in this man, though one would think he might have known him better, having had him ſo near his perſon. He behaved ſo ill, and was purſued with ſo loud a cry from the iſland, that in the end he was ejected; and from his abuſe of power the King took occaſion to moderate that of future governors, by depriving them of the nomination of the Bailly and other officers of juſtice, of which again by and by.

Thomas Overay, by education a merchant, and ſeveral times mayor of Southampton, thence taken into the court. This proved one of the beſt rulers we ever had. With-

out being deficient in any thing belonging to the military part of his office, he more earneſtly applied himſelf to make his knowledge in trade uſeful and beneficial to the iſland, ſo that it flouriſhed in his time, and as our chronicler ſpeaks [1] *devint riche & opulente*, i. e. grew rich and wealthy. He conſtantly reſided on his government, lived beloved, and at his death was followed with lamentations and tears to his grave in St. George's Chapel within Mont-Orgueil Caſtle, where he lies interred.

Sir Hugh Vaughan and David Philips were joined in one patent, but not agreeing, the latter on ſome conſiderations ſurrendered to the former, who remained ſole governor. A man of low birth and extraction, yet in great grace and favour with Henry VIII. for ſome uncommon feats of bodily ſtrength and valour. His character has been given already [2]. After his expulſion, the King in mere pity allowed him out of the revenue of the government two hundred pounds a year for a ſubſiſtance; a great fall for one who is ſaid to have been at one time captain of the King's Life-guard, Lieutenant of the Tower, High-bailly of Weſtminſter, and governor of Jerſey.

Sir Anthony Ughtred, nearly allied by his wife to Queen Ann Boleyn, and not unworthy of that alliance. He had been governor of Berwick, and eminently ſerviceable in the Scottiſh wars. Notwithſtanding his relation to the court, and what farther expectations he might have from it, he lived and died in the iſland, and was buried in St. George's Chapel with his predeceſſor Overay.

Sir Arthur Darcy held the government not long. The lord Vaux was ambitious of having that employment, and withal ſo imprudent as to part with a good eſtate in Northamptonſhire to Sir Arthur in exchange for the ſame, even before he was aſſured whether the King would, or would not, confirm the Convention between them two. When he came to apply for that purpoſe, the King plainly told him he would not truſt the keeping of ſuch an iſland as Jerſey to one who could not keep his own lands; yet gave him leave to demiſe the office to a third perſon whom his majeſty ſhould approve, and to receive a recompence for it.

Sir Edward Seymour, Viſcount Beauchamp, was the purchaſer; whoſe great riſe afterwards, even to the protectorſhip, not allowing of his coming amongſt us, he governed us by deputies, being ever ready to hear favourably the complaints for which

[1] Chron. MSS. de Jerſey. Ch. XIV.
[2] Sup. pag. 85 and 86.

they

they too often gave occaſion, and to do the inhabitants juſtice. When the good Lord fell into his troubles, he willingly reſigned the government to

Sir Hugh Paulet, in whoſe family it continued during three generations. For to Sir Hugh ſucceeded his eldeſt ſon

Sir Amias; and to him likewiſe his eldeſt ſon

Sir Anthony. The two firſt, men of great note in their time for political wiſdom and abilities, and accordingly much truſted and employed by King Edward VI. and Queen Elizabeth in their negotiations and councils. Zealous promoters of the reformation of religion in this iſland, but too much leaning to the puritans ſcheme, as will appear hereafter.

Sir Walter Ralegh came in after the Paulets the year only before his royal miſtreſs Queen Elizabeth died, and was attained the firſt of King James, ſo that we were ſoon bereaved of the happineſs we promiſed ourſelves under ſo excellent a perſon. His bare name in the liſt of our governors, does honour to the iſland.

Sir John Peyton is next, betwixt whom and John Heraut, commonly called Monſieur de St. Sauveur, a man of ſpirit, happened a very warm conteſt about the place of Bailly, of which the laſt ſtood poſſeſſed by a grant from the crown; the governor inſiſting on a power by his patent to diſpoſe of the place, and to put in and out whom they thought fit. And true it is that anciently the governors had ſuch a power, but Henry VII. finding it abuſed, and grown exorbitant, ſuppreſſed it, and reſerved it to himſelf, by an expreſs article[1] in his ordinances, which ſays, that the King ſhall have the nomination of the Bailly, the Dean, the Viſcount, and of his procurator, [i. e. his Attorney General] in the ſaid iſland; and that neither the captain [i. e. the governor] nor the Jurats, ſhall in any wiſe concern themſelves, or intermeddle, in the diſpoſition of thoſe offices, whereby even the liberty of recommending ſeems to be interdicted them. In conſequence of this law (for thoſe ordinances were given to us for laws, as has been ſaid in another place[2]) the clauſe in former patents, that allowed the governors *conſtituere, facere, & deputare omnes & ſingulos officiarios in prædictâ inſulâ neceſſarios & conſuetos*, was dropt for a time, and upon vacancies application was made directly to the crown. I ſay, for a time; for by ſome colluſion at the ſeals (how elſe it could

[1] 'Tis the XIX. [2] Suprà pag. 85.

be

be done, I conceive not) the ſubſequent governors found means to get the impowering clauſe inſerted again, and in Sir John Peyton's patent it ran thus, *conſtituere, facere, & deputare officium Ballivi dictæ inſulæ, & omnes & ſingulos officiarios in prædictâ inſulâ neceſſarios & conſuetos*; where the office of Bailly is drawn in, which was not in the general clauſe before. Here then lay the point in diſpute, whether the ordinance of Henry VII. ratified by his ſon and ſucceſſor Henry VIII. or the patentary clauſe, ſhould ſtand; which being brought before King James and his council for a determination, the former carried it; with the addition of another office withdrawn from the governor's nomination, namely that of Advocate, or Solicitor General, and there the matter has reſted ever ſince. See the King's pleaſure ſignified thereupon, in the Appendix, Numb. III.

Sir Thomas Jermyn, a great courtier in that reign, had in Sir John Peyton's life-time obtained the reverſion of the government, which at the other's death fell to him accordingly. He enjoyed it long, and by a like reverſion tranſmitted it to his younger ſon,

Henry Jermyn, afterwards Earl of St. Albans. This Lord was chamberlain to Queen Mary, conſort of King Charles I. and attended her into France, where he remained with her Majeſty, as chief director of her family, until the reſtoration. In the mean time the iſland being threatened with an invaſion from England by the rebels,

Sir George de Carteret, who till then had only the Lieutenancy under the Earl, was added to him in the participation of the government, with equal authority in all things. Wherein no inconvenience could happen through a concurrence and jealouſy of command, becauſe Sir George was alone upon the place; of whom, and the noble defence he made againſt the rebels, a large account has been given before. The troubles being over, and the King reſtored, the partnerſhip ceaſed, and the government remained ſolely in the Earl; a farther grant whereof, in ſurvivorſhip after him, he had intereſt enough to procure for Thomas Jermyn, Eſq. his eldeſt brother's ſon, whom in the interim he made his deputy. But the imminent danger of the iſland in 1665, ſpoken of in the introduction, calling loudly for a ſoldier of name and reputation (which the Earl was not) to command in the place, it was propoſed to give him one thouſand pounds a year out of the exchequer, in lieu of the profits of the government, and that another ſhould go in his ſtead with a ſpecial commiſſion, reſerving to him and his nephew their reſpective rights entire and untouched, in which he acquieſced.

Sir Thomas Morgan was the brave man thus commiſſioned, whoſe great merits toward us have been remembered in the aforeſaid introduction, and need not be repeated here. I ſhall only ſay this farther of him, in commendation of his great vigilance and care of his charge, that he never allowed himſelf to be long abſent from it; and would ſit whole days on the carriage of a cannon, haſtning and encouraging the workmen employed in the new fortifications of Elizabeth-Caſtle, which were carrying on under his order and inſpection. Though he fell not in battle, he may be ſaid to have dyed in the bed of honour, by dying on his poſt, i. e. in the iſland, after he had put it in a better ſtate of defence, and every way on a better military foot, than it ever had been before. He dead, a like commiſſion was directed to

Sir John Lanier, another brave officer, who had diſtinguiſhed himſelf in that body of Engliſh auxiliaries which ſerved ſome time in France under the unfortunate Duke of Monmouth, natural ſon of King Charles II. Among thoſe troops did the more fortunate Duke of Marlborough himſelf firſt learn the art of war. Sir John, after the fatigue of ſeveral campagnes, and the loſs of an eye, would gladly have ſet up his reſt with us, and purſued fortune no farther. But it was not given him ſo to do. For the Earl of St. Albans dying, his nephew, now Lord Jermyn, claimed the government, or to have the thouſand pounds yearly penſion continued to him, one of which could not be denied him. King James II. was then on the throne, who, to ſpare his exchequer, choſe to let his lordſhip enter upon the government, and recalled Sir John, to whom he gave a regiment of horſe. To finiſh the account of of this gentleman, by going early into the revolution he preſerved his command, was ſent into Scotland to take in Edinburgh-Caſtle, aſſiſted in the reduction of Ireland, and ſerving under King William in Flanders as one of the generals of horſe, loſt his life at the battle of Stein-Kirk in 1692.

Thomas Lord Jermyn had long before, viz. whilſt he was deputy to his uncle, intituled himſelf to our reſpects by the eaſineſs and affability of his manners. His natural good underſtanding did alſo in great meaſure ſupply his want of experience in military affairs. Humanity and good nature were his proper character. He died in the ſecond year of queen Ann, and in him ended that courtly family of the Jermyns, poſſeſſed of a reverſionary right to the government of this iſland ever ſince the beginning of the reign of King James I. To this Lord incluſively, and then living, I brought down the ſucceſſion of our governors in the firſt addition of my book, and am now to add

Henry Lumley, Eſq. only brother of the late Earl of Scarborough; firſt, a Colonel, then

then general of horſe; " preſent at every battle, and every ſiege, with King William, or the Duke of Malborough, in twenty campagnes, in Ireland, Flanders and Germany," as the inſcription on his monument declares[1]. What raiſed the glory of this gallant man, viz. his great employments in the armies abroad, turned very unhappily to our prejudice. For as thoſe were pleaded in excuſe for not viſiting his government, never ſeen by him unleſs in the map, ſo it muſt be a great loſs to us, to have year after year the whole income of the ſaid government drawn out of the country; which not abounding in money, did then, and will always very ſenſibly feel ſuch a drain and export. We cannot however but acknowledge his readineſs to ſerve the intereſts of the iſland on all other occaſions, and his civility to the inhabitants whoſe affairs in England needed at any time his countenance and favour.

The right honourable Sir Richard Temple, Lord Viſcount Cobham, the preſent governor.

This office has been held ſometimes *quamdiù Domino Regi placuerit* [2], ſometimes *quamdiùſe benè geſſerit* [3], ſometimes for a certain and determinate number of years [4], ſometimes during life [5], at other times during life and ſome odd years beyond it [6], and again without condition or limitation of time [7].

[1] In Sabſworth church, Hertfordſhire. See the whole inſcription in Dr. Salmon's hiſtory of that county, page 266.

[2] Richardus Grey, Cuſtos Inſularum, an. 10. H. 3. Hugo de Sancto Phileberto, Cuſtos de Jerſey, eod. anno. Wilhelmus de Sancto Johanne, Cuſt. Inſular. an. 11. H. 3. Arnauldus de Sancto Amando. & Philippus de Carteret, Cuſtodes Inſular. an. 16. H. 3. Philippus de Albimar, & Wilhelmus de Sancto Johanne, Cuſtodes Inſular. eod. anno. Johannes des Roches, Cuſt. Inſular. an. 2. E. 3. Thomas Hampton, Cuſt. Inſular. an. 15. E. 3.

[3] Richardus Harliſton, Capitaneus de Jerſey. an. 17. E. 4. Hugo Vaughan Capit. de Jerſey. an 17. H. 7.

[4] Thomas de Ferrariis, Cuſt. Inſular. pro termino 6. annorum. an. 12. E. 3. Idem. iterùm Cuſt. &c. pro term. 5. annorum. an. 17. E. 3. Johannes Nanfan, Cuſt. Inſular. pro term. 5. annorum & dimid. an. 31. H. 6. Id. iterùm Cuſt. &c. pro term. 10. annorum. an. 36. H. 6.

[5] Hugo Calvilegh, Cuſt. Inſular. an. 50. Ed. 3. Johannes Golafre, Cuſt. Inſular. an. 11. R. 2. Edmundus Comes Rutland. Cuſtos Inſular. an. 20. R. 2. Matthæus Baker, Capit. de Jerſey an. 3. H. 7. Thomas Overay, Capit. de Jerſey, an. 15. H. 7. Antonius Ughtred, Capit. de Jerſey, an. 17. H. 8. Arthurus Darcy, Capit. de Jerſey, an. 25. H. 8. Thomas Vaux, Dominus de Harrowdon, Capit. de Jerſey, an. 27. H. 8. Edwardus Seymour, Vicecomes Beauchamp, Capit. de Jerſey, an. 28. H. 8. Hugo Paulet, Capit. de Jerſey, an. 4. E. 6. Amias Paulet, Capit. de Jerſey, an. 13. Eliz. Antonius Paulet, Capit. de Jerſey, an.—Eliz. Walterus Ralegh, Capit. de Jerſey, an. 43. Eliz. Johannes Peyton, & Thomas Jermyn, Gubernatores de Jerſey, an. 1. Jac. 1. Henricus Dominus Jermyn, & Georgius de Carteret, Gubernat. de Jerſey, an.—

[6] Otto de Grandiſono, Cuſt. Inſular. an. 5. E. 1.

[7] Edmundus Roſſe, Cuſt. Inſular. an. 47. E. 3.

To ſupport the dignity of this office, the King allows the governor his whole revenue in the iſland, a ſmall part thereof deducted for fees and ſalaries to the officers of the civil juriſdiction. In ancient times, this revenue conſiſted in ſeven manors, the patrimony of the Dukes of Normandy, by Henry II. let out in fee-farm to ſundry tenants, at the yearly rate of four hundred and ſixty *livres tournois*; as alſo in diverſe other money rents, ſpecified in the old extent made an. 5. Ed. 3. by commiſſioners ſent to inquire into the ſtate of the royal demean; all together to the amount of more than a thouſand *livres tournois* annually, a *livre tournois* [*Libra Turonenſis*] being then as much as an Engliſh pound ſterling is now. And beſides, there belonged to the ſame revenue ſeveral parcels of lands and meadows, wheat-rents, wardſhips, ſervices, eſcheats, forfeitures, fines, and other emoluments, certain and caſual, not reckoned like the others in money, which, with them, made up a pretty eſtate for the King in ſo ſmall a country. But now, the *livre tournois*, according to which the money-rents were then valued, is fallen ſo low, that the aboveſaid thouſand *livres tournois* are brought under one hundred pounds ſterling; and many alienations have been made of the Crown-lands and rents, ſome begged, others ſold, particularly by King Charles II. to ſupply his neceſſities in his exile. At preſent, the revenue conſiſts principally in the corn-tythes of ten pariſhes i, which having been appropriated to diverſe religious houſes in Normandy in time of Popery, were by Henry VIII. veſted in himſelf and his ſucceſſors. By a latter extent, the whole is computed at fifteen thouſand *livres* per annum; for the collecting whereof the governor appoints a peculiar officer, ſtiled *le receveur du Roy*, i. e. the King's receiver.

Our Kings heretofore were wont to diſpoſe of this revenue more thriftily than they now do, laying on it the whole charge of the garriſon [2], cauſing the remainder to be accounted for in their exchequer, and out of that allowing a proportion to the governor, greater or leſs, as he could agree, or had an intereſt in the Prince's favour. Thus John des Roches, Warden of the iſlands in the reign of Edward III. had only the ſhort allowance of forty pounds a year [3]. The more uſual way was to let the governor receive

[1] The tythes of St. Saviour are annexed to the Deanry. Thoſe of St. Helier were begged by Sir Edward de Carteret, Cup-bearer to the Duke of York, afterwards King James II.

[2] This is to be underſtood of the ordinary garriſon, extraordinary and contingent charges being born by the Crown.

[3] In Memorand. Scaccarii de an. 5. Regis Edw. 3. inter Brevia, &c.—Rex Theſaurariis & Baronibus ſuis de Scaccario, ſalutem. Mandamus vobis quod dilecto & fideli noſtro Johanni des Roches, nuper Cuſtodi Inſularum

ceive the whole, paying a certain ſum out of it. And ſo Thomas de Ferrariis, and Thomas de Hampton, in the ſame reign, were charged each with five hundred marks. The laſt that had it with theſe deductions, was Sir Thomas Jermyn, charged with three hundred pounds. But this management was not conſtantly the ſame. For Philip de Aubigny, Drogo de Barentin, Otto de Grandiſon, &c. in the times of King John, Henry III. Edward I. &c. enjoyed all the profits, as the governors do at preſent, *ſine computo.* So did thoſe ſons and brothers of our Kings, mentioned before, who ſeem to have had the entire regalities of the iſlands given up to them in the ampleſt manner; therefore not improperly called *Domini Inſularum*, i. e. Lords of the iſlands. See the grant to the Duke of Bedford, brother of Henry V. in the Appendix, Numb. IV.

The power of the governors has likewiſe been greater or leſs, as their commiſſion has at different times been either enlarged or reſtrained. Anciently the governor was a perſon of a mixt power. I mean that he had the adminiſtration of both the civil and military authority. He was judge as well as governor; had the diſpoſal of all places in court, church, and garriſon. Which mixt power the title given him of Bailly [Ballivus [1]] was conſtrued to imply and declare. For though the word bailly does now ſound low and mean, and in an Engliſh reader raiſes no great idea of a perſon in that employment, yet in former days the ſaid employment was very highly and very honourably accounted of, and is ſo ſtill by the French, among whom we are to ſeek for the meaning and acceptation of names of office now or heretofore uſed in this iſland. Ballivus (ſays the learned Spelman) *apud Gallos ſplendidus magiſtratus eſt. Apud nos* [*Anglos*] *honeſtioris ſæpe notæ, ſed plerunque miniſter infimus* [2]. And becauſe in France (where the provinces are

ſularum noſtrarum de Jereſey, Gerneſeye, Serk, & Aureney, quadraginta Libras per annum, pro feodo ſuo, de tempore quo Cuſtodiam Inſularum earundem ex Commiſſione noſtrâ habuit, in Compoto ſuo ad Scaccarium, prædictum allocari faciatis. T. meipſo apud Weſtm. 21. die Decemb. an. Regni noſtri 4.

[1] An. 10. H. 3. Dominus Rex commiſit Ricardo de Gray Inſulas de Jereſeye & Gerneſeye, cum aliis Inſulis & Caſtris Domini Regis ibidem, cuſtodiendas, &c. T. R. apud Weſtm. &c.—Et mandatum eſt militibus, liberis hominibus, & omnibus aliis exiſtentibus in eiſdem Inſulis, quod eidem Ricardo, tanquam Ballivo Domini Regis, in omnibus ad prædictas Inſulas pertinentibus, intendentes ſint & reſpondentes. In cujus &c. T. ut ſup.———Eod. an. Dominus Rex commiſit Hugoni de Sancto Phileberto Inſulam de Jereſey, cum Caſtro ibidem, cuſtodiend. &c.—et mandatum eſt militibus, &c. quod ei tanquam Ballivo Domini Regis, &c. T. R. apud Weſtm. 12. die Febr.———An. 11. H. 3. Dom. Rex commiſit Wilhelmo de Sancto Johanne Inſulas de Jereſeye & Gerneſeye, cum aliis Inſulis & Caſtris ſuis ibid. Cuſtodiend. &c. T. R. ap. Weſtm.—Et mandatum eſt militibus, &c. quod eidem Wilhelmo tanquam Ballivo Domini Regis, &c. T. ut ſupra.

[2] Gloſſar. in voce Balivus. Vid. etiam Du-Freſne Gloſſar. ſub voce Bajulus, ubi et hæc inter cætera.

Ballivi

are generally divided into Balliages and Seneſchauſées, juriſdictions well nigh the ſame) the bailly ſits on the ſeat of judgment, not in a gown, after the manner of other judges, but with his ſword by his ſide, therefore he is ſaid to be *un Magiſtrate de l'Epée*, i. e. a magiſtrate of the ſword. Such a magiſtrate was the governor here, truſted both with the military and the civil ſword; thence alſo called *Cuſtos*, i. e. warden or guardian, as being both *Cuſtos Terræ*, and *Cuſtos Legem*, i. e. guardian of the land, and guardian of the laws. In proceſs of time he reſerved the exerciſe of the military part alone to himſelf, transferring the judicial to another, who thereby gained poſſeſſion of the title of bailly, while he himſelf retained the ſenſe and meaning of the word in the name of *Cuſtos*, or warden. Thus, that office which at firſt was but one, became two; yet ſo as he who had the judicial part, and was now called the bailly, was ſtill a dependant and creature of the other. So were the other miniſters of juſtice. Which was a great obſtruction to a free courſe of it, ſince they muſt be at the beck and devotion of him from whom they derived their power. King John began, and King Henry VII. completed the eſtabliſhment of a juriſdiction wholly independant from the governor; the latter taking away from him the nomination of the bailly, and of the other officers of the court, as has been ſaid more than once before; and abſolutely forbidding him in any wiſe or by any means to interpoſe in matters that were of the cognizance of the civil tribunal [a]. But though the governor has no proper juriſdiction, yet, in regard of his dignity, his preſence is often required in court, and is in ſome ſort neceſſary for the paſſing of ſome acts there; namely, ſuch as concern the King's ſervice, the maintenance of the public peace, the ſafety and good government of the iſland. He has the court under his protection, being obliged to aſſiſt the bailly and jurats with his authority in the execution of their judgments. He has power, with the concurrence of two of the jurats, to arreſt and impriſon any inhabitant upon vehement ſuſpicion of treaſon. No inhabitant may go out of the iſland; no foreigner may ſojourn or ſettle in it, without his knowledge and privity. No Convention of the States can be held, nor any matter therein tranſacted, without his conſent; but this with ſome reſtrictions, of which more hereafter. On the other hand, at his admiſſion, and before he can do any act of government, he muſt produce his patent or commiſſion in court, and muſt ſwear to maintain the liberties and privileges of the iſland. See his oath in the Appendix, Numb. V.

Ballivi dicti, quibus juſtitiæ in Provinciis, & majoribus Civitatibus, adminiſtrandæ cura a Principe demandata erat———ji Comitum vicem ſubiere, qui, primâ & ſecundâ Regum noſtrorum ſtante ſtirpe, id muneris obibant quod poſtmodum Ballivi.——Ex ordine Militum ſeligebantur Ballivi, &c.

[a] Ordin. Art. VII.

His more peculiar and immediate province is the cuſtody of his Majeſty's caſtles, with the command of the garriſon, and of the militia of the country, which laſt he models and regulates at his pleaſure.

Elizabeth Caſtle is now, what Mont-Orgueil was heretofore, the principal fortreſs of the iſland; as conſiderable for natural ſtrength, extent of fortifications, and all the neceſſary furniture and appendages of a garriſon, as any England has to boaſt of at home or abroad; with us vulgarly called *le Château de l'Iſlet*, or ſimply *l'Iſlet* [q. d. *Inſuletta*] becauſe ſtanding on a ſmall iſland, and taking up its whole circuit, little leſs than a mile. This caſtle is not the work of one time, nor of one reign, as the preceding hiſtory ſhews. The firſt deſign of it was laid in 1551, the fifth of Edward VI. in purſuance whereof all the bells in the iſland *, reſerving only one to every church, were ordered to be taken down, and ſold, for defraying part of the charge. In 1586 and the years following, under the long regency of the Paulets, the Upper Ward, which properly is Queen-Elizabeth's Caſtle, was built; every houſe in the iſland contributing four days work to it. The Lower Ward is King Charles the Firſt's Caſtle, begun 1626. Charles-Fort was added during the troubles. Laſt of all, the green was walled in on the menaces of the French in the war of 1665. All which particulars having been mentioned before, need no farther enlargement. A regular fortification, in the ſtrict ſenſe of the word, it is not, neither could be, by reaſon of the neceſſity of following the flexures and ſinuoſities of the ground, in order to take it all in, and leave nothing without for an enemy to ſet his foot upon. From the neareſt land whence it may be battered, as it was by the rebels in 1651, after a breach made (if a ſufficient breach can be made at ſo great a diſtance) the aſſailants muſt wait the fall of the tide, then march three quarters of a mile over the ſands ere they come to the foot of the walls, expoſed all the while to all the fire from thence, and carry their point in a few hours, or be overwhelmed by the flowing back of the ſea. So that if there be a place impregnable by its ſituation, one might preſume this to be ſuch. If its being taken by the rebels be objected, I refer to the relation given above of that matter. But the ſhorteſt anſwer is, that 'tis now in quite another ſtate and condition of defence than it was at that time. Much has been done to it ſince, and much is doing daily; the Honourable Board of Ordnance, apprized of its importance, allowing very liberally, not only for neceſſary repairs, but likewiſe for all fitting improvements.

* It has been reported, that the ſhip which was carrying the bells to St. Malo for ſale, ſunk ſuddenly going out of the harbour, and ſome have ventured to call that accident a puniſhment on ſacrilege.

I wiſh

I wiſh I could give the ſame account of Mont-Orgueil, ſo famed in our old ſtory, and of an antiquity beyond our earlieſt records. But that noble caſtle, under whoſe walls the French have ſo often digged their graves, has much loſt of its reputation, through the unhappy neighbourhood of a hill ſomewhat overawing the rampart; an inconvenience leſs regarded in former days, by reaſon of the wide and deep vale interpoſing betwixt the hill and the caſtle, which hindered approaches. 'Tis now in a manner ſlighted, and conſidered as indefenſible. And yet that great ſoldier, Sir Thomas Morgan, did not judge it altogether ſo. All his time it was kept well manned, and in good order. But poſſibly our ſuperiors may think it needleſs to maintain two grand fortreſſes in ſo ſmall an iſland, and in that caſe there can be no diſpute which of the two ought to have the preference. The caſtle ſtands (and will long ſtand, unleſs purpoſely demoliſhed) on its own ſtrength and firmneſs, and under its diſgrace retains an air of greatneſs that ſtrikes the eye.

The Fort of St. Aubin (otherwiſe called *la Tour*, becauſe formerly no other than a great tower on a rock, but now fortified with baſtions planted with cannon) is of good uſe for clearing the road, and protecting the ſhips within the pier; into which laſt nothing can paſs but by the permiſſion, and under the guns, of the ſaid fort.

Theſe places are garriſoned from England, not always alike, but as the interchanges of ſecurity or danger make it expedient. At preſent, a ſeaſon of general tranquillity, we have only five companies of invalids. In worſe times, it has been uſual to allow to Jerſey and Guernſey jointly one entire regiment, viz. to each a battalion. Sir Thomas Morgan coming to the government at a particular conjuncture, brought us a gallant troop of horſe, but none have been ſent hither ſince.

Concerning the militia, one is not to frame a notion of them from the country-trained bands in England, to whom they are in nothing like. They more reſemble regular forces, both in habit and uſe of their arms. 'Tis a maxim with us, that every man of competent age, whether rich or poor, gentleman or peaſant, owes duty in perſon; ſo that all here are ſoldiers, with this difference only, that the better ſort bear the commiſſions, and are made leaders to the reſt.

This militia conſiſts of two troops of horſe-guards, five regiments of foot, and a train of artillery.

Our

Our want of good horſes for the ſaddle has been taken notice of before. 'Tis not amiſs therefore that we can mount two ſuch troops.

The foot, before Sir Thomas Morgan, were all independant companies, and one only to a pariſh, conſequently over large and unwieldy. Having divided them, and of one made two or more, he formed them into three regiments, all in red coats, the martial livery of England. Succeeding governors have improved upon his plan, and by multiplying the companies have increaſed the regiments from three to five. As the companies are levied by Vintaines, ſo are the regiments by pariſhes, whereof two go to make a regiment, ſometimes three, for the ſake of equality, according to this ſcheme.

To the	First Regiment	St Oûen [a].	
		S. Mary.	
		St. John.	
	Second Regiment	Trinity.	
		St. Martin.	
	Third Regiment	St. Saviour.	
		Grouville.	
		St. Clemen[t].	
	Fourth Regiment	St. Helier	
		St. Lawrence.	
	Fifth Regiment	St. Peter.	
		St. Brelade.	

Theſe regiments have their particular colonels, lieutenant-colonels, majors, &c. with a company of fuziliers to each, pickt and choſen men. But how two country pariſhes, of no very great compaſs, ſhould be able to furniſh and ſet out one whole regiment, is what (I believe) will ſurprize and aſtoniſh the reader.

Five and twenty field-pieces of braſs, mounted on carriages, with proper tumbrels for the ammunition, make up the train of artillery; commanded by a colonel, two majors, twelve captains and lieutenants, with a ſufficient number of gunners and pioneers. Theſe pieces are kept in the churches of the pariſhes to which they reſpec-

[a] The honour of the right is given to St. Oûen, in reſpect to the Seigneur of that name, who always uſed to be colonel.

tively belong, and by which they are maintained, ready to be drawn out for ſervice to any part of the iſland at a minute's warning.

Of all theſe forces there is a general review once a year on the xxix^th^ of May, in honour of the happy reſtoration; and the place for it is the fine ſandy bay betwixt the two towns of St. Helier and St. Aubin, the line having in front Elizabeth Caſtle and the ſea. When thus drawn up, the horſe on the wings, the infantry in the center, the artillery conveniently poſted, and the governor as general at the head of all, giving his orders by his adjutants, ſuch a body makes no contemptible appearance; and being unanimous in their affection to England, and hatred of a French dominion, would, 'tis preſumed, behave not ill on a day of action. As for particular reviews by companies and regiments, to exerciſe and diſcipline the men, they are frequent, and in time of war almoſt weekly.

Moreover for the ſafety of the coaſt round the iſland, in places acceſſible to an enemy, there are guard-houſes built, and batteries erected with one and fifty eighteen-pounders thereon, given by his Majeſty King William out of his ſtores in the year 1692; and each battery has its particular captain, gunners, &c. under the direction of the colonel and majors of the train.

No mention has yet been made of the lieutenant-governor, nor indeed had we any properly ſuch till of late years, that is to ſay, one of the King's own appointment, and in the pay of the crown. He is inſtead of thoſe deputies and commandants who had but a ſecondary and delegated authority, and whoſe perquiſites aroſe from the profits of the government. This officer ſeems created on purpoſe to ſupply the now cuſtomary non-reſidence of the governors, and is therefore ſuppoſed to be always preſent upon the place.

CHAP.

CHAP. IV.

CIVIL JURISDICTION.

As the power of arms and military command is in the governor, or lieutenant-governor, ſo the ſacred truſt of adminiſtering juſtice, and protecting men in their civil rights, is in the bailly and twelve jurats. Theſe conſtitute our magiſtracy, of which the bailly is the head. He holds immediately from the king, whom he repreſents in court; and there, in token of his independance, has his ſeat raiſed above that of the governor[1]. The jurats are his aſſeſſors, not made like him by the king, but elected by the people. They are of King John's inſtitution, who ſeeing juſtice diſpenſed here ſummarily and arbitrarily, by one who had the two ſwords in his hand, aſſiſted only by the *francs tenans*, or principal freeholders, following their opinions no farther than he liſted, and holding pleas no oftner than thrice a year, found it neceſſary, in lieu of aſſiſtants of ſo little weight and ſignificancy, to eſtabliſh twelve ſtated and permanent judges, to ſit with the governor, and have ſuch check upon him, as that without their conſent and concurrence he ſhould be able to do no judicial act of any force[2]. And when he, the ſaid governor, withdrew from meddling in matters of contentious juriſdiction, and turned thoſe over, with the name of bailly, to another (as is ſaid in the laſt chapter) the ſame truſt with reſpect to the bailly, remained in the jurats, and ſo continues to this time.

Theſe twelve it pleaſed the king, in the charter of their erection, to dignify with the title of *coronatores jurati*[3]; meaning thereby to have them partake of the power of two

[1] This precedency in the court was a point much diſputed betwixt Sir John Peyton and the bailly Heraut, by King James I. and his council adjuded to the latter. Every where out of court the governor precedes.

[2] And yet ſo long as the governor retained the nomination of the bailly, and of the miniſterial officers of the court, as the procurator, &c. he ſtill had no ſmall influence over what paſſed there, which was remedied by Henry VII.

[3] Conſtit. dom. Johan. Regis. Art. I. Conſtituit duodecim coronatores juratos, ad placita, et jura ſpectantia ad coronam cuſtodienda.

ſorts

ſorts of offices, viz. the coroners in England, and the jurats in Gaſcony; for here take *coronatores jurati* to be a compound of two ſubſtantives, which is not unuſual. The coroner is an officer unknown in France, but *apud nos* [Anglos] ſays Sir Henry Spelman [1], *Officialis pervetuſtus eſt, ad tuendam pacem, et dignitatem regiam, in quovis comitatu, populi ſuffragiis conſtitutus, &c.* After the ſame manner ſpeaks Lord Chief Juſtice Coke [2], This office, ſays he, in ancient times was of great eſtimation, for none could have it under the degree of a knight.—How it fell from that eſtimation does not concern us, thoſe twelve being inſtituted when it was in full credit and power. As for the name of jutats, it's original is from Gaſcony, that part of France which King John affectioned moſt, and where he maintained himſelf longeſt. And this is the name that adheres to our magiſtrates, that of coroners being dropt, and no longer mentioned. For thus all orders from the ſovereign run at preſent, To our truſty and well-beloved, the bailly and jurats of our iſland of Jerſey. In the language of the country 'tis *juréz*, but among the people they are more commonly ſtiled juſticiers.

Their buſineſs being not only to give hearing to litigants, and decide controverſies of *meum* and *tuum*, as in moſt other judicatories, but alſo to enforce on all perſons a general obedience to the laws, to watch over the public tranquility, in a word, to extend their care to every thing whatſoever conducing to good order and polity; they ſeem not unlike thoſe twelve Νομοφύλακες in ſome Grecian Commonwealths, of whom we read in ancient authors [3]. Nor has any other magiſtracy, that I know, ſo enlarged a juriſdiction; thoſe manifold powers being united in them, which elſewhere are divided and parcelled out among judges and officers of various denominations.

As coroners (though the name be diſuſed) they are of popular election. The conſtitutions will have them choſen *per aptimates patriæ* [4], which excludes from being electors men of no ſubſtance or intereſt in the country. I am ſorry to ſay the practice now-a-days runs too much to the contrary, whereby a great deal of abuſe and corruption has crept into thoſe elections, and perhaps no evil amongſt us calls louder for redreſs. However it be, the manner of chuſing a jurat in Jerſey is this. On the death of any of them (and rarely otherwiſe than by death does a vacancy happen, by reaſon the office is for

[1] Gloſſar. in voce coronator.
[2] Inſtitut. Part IV. Cap. LIX.——See alſo Statut. an. 3 Ed. I. cap. 10.
[3] Ariſtot. Polit. Lib. VI. Cicero de Leg. Lib. III. §. 20, Columel. Lib. XII. cap. 3.
[4] Art. III.

life) the court iſſues out an act or writ of election, fixing the day, which is always a Sunday, and appointing one of their own body, or ſome other proper perſon, to collect in every pariſh the ſuffrages of the people. The writ is delivered to the miniſter, who after divine ſervice reads it from the pulpit, and in few words (if he ſees fit) recommends to the aſſembly the choice of ſuch an one, whom, for his knowledge and abilities, his integrity and love of juſtice, his zeal for the eſtabliſhed religion and government, and the like, they deem moſt worthy, and beſt qualified for the place. The people give their votes one by one as they go out at the church door, and he who has the majority throughout the iſland is declared duly elected. Mr. Camden ſeems to have underſtood that each pariſh muſt have its particular jurat, becauſe the number of both is the ſame, viz. XII. But that is no rule with us. It often happens that a pariſh has none, whilſt another has two or more. And be it noted, that 'tis not for the ſake of a ſalary that this office is ambitioned, for there is none at all belonging to it. What is chiefly ſought in it, is rank and diſtinction, with the privilege it gives gentlemen of having their own private ſuits in court more readily diſpatched.

'Tis not neceſſary that all the twelve ſhould aſſiſt on every occaſion. Many accidents would render the ſame impracticable. One ſort of buſineſs may be done by a leſs, whilſt another requires the preſence of a greater number; and a cauſe heard by a few, may be brought on again before a corps de cour, that is, before ſeven, preſumed equipollent to a full body. But without the bailly (or his lieutenant) there can be no proceedings of any kind. He is the mouth and organ of the court. He preſides in all the debates, ſums up the opinions, and pronounces ſentence; yet has no deliberative voice himſelf, unleſs when, upon an equal diviſion of the bench, he throws his weight into one ſcale to end the matter. But in caſe of a majority, he is bound to follow it; which hinders not his acting with leſs controul in other affairs of daily occurrence. For after all, the dignity and prerogatives of his place are very great, and command reſpect.

The whole authority of public judgments reſiding thus in the bailly and jurats, there go next to conſtitute the court divers miniſterial offices under them; as, le Procureur du Roy, or Attorney General; l'Avocat du Roy, or Sollicitor General; le Viconte, or High Sheriff; le Greffier, or Clerk, who has the cuſtody of the Rolls and Records; ſix Pleaders or Sollicitors at the bar, ſtiled Avocats du Barreau; two Under Sheriffs, called Denonciateurs, becauſe 'tis their part to publiſh the injunctions of the Court; and laſtly, l'Huiſſier, or Uſher, a neceſſary attendant for the preſerving of order. To whom let me add (though not properly a member of the court) l'Enregiſtreur, or

Keeper

Keeper of the Regiſter for Hereditary Contracts; which having firſt paſſed [1] the view of the magiſtrate, muſt next, on pain of nullity, be brought to this officer to have an entry made of them, whereto all men may have recourſe, no ſecret and unregiſtered ſale of lands or rents being of any validity in this iſland. All which employments now named (ſaving the three firſt, held by patent) are at the diſpoſal of the bailly.

The court thus compoſed, and every perſon belonging to it, from the bailly to the loweſt officer, ſworn to a diligent and faithful diſcharge of the duty of his poſt; the court, I ſay, thus compoſed, is a royal court, having cognizance of all pleas, ſuits, and actions, whether real, perſonal, mixt, or criminal, ariſing within the iſland; the caſe of treaſon only excepted, and ſome other matters of too high a nature [2] reſerved to the King and the Lords of his Majeſty's moſt honourable Privy Council, to whome alone this court is immediately ſubordinate. Nor have the courts of Weſtminſter ought to do with us, or may any way intermeddle with our affairs, though otherwiſe we greatly reverence them, as acting under the ſame royal name and authority. The truth is, we were never ſubject to thoſe courts, no not before King John's days, the founder of the preſent power and juriſdiction within ourſelves. The governor held the pleas, as has been ſaid, and in extraordinary caſes reſort was had to Normandy, but never to England. In after-time, contentious perſons not acquieſcing in the determination of the magiſtrates here, ſued for evocations at Weſtminſter, which were too eaſily granted, and writs came over daily to ſummon people thither, till vexations grew ſo great, and complaints ſo loud, that a remedy was obtained in the beginning of the reign of Edward III. And accordingly when towards the end of the ſame reign, an attempt was renewed to bring a matter of treſpaſs from the iſland into the King's Bench, the Court would not admit it, and decreed thus, *Quia negotium prædictum in curiâ hic terminari non poteſt, eò quod juratores inſulæ prædictæ coram juſticiariis hic venire non poſſunt, nec de jure debent, nec aliqua negotia, de iuſulâ prædictâ emergentia, non debent terminari niſi ſecundùm conſuetudinem inſulæ prædictæ; ideo totum recordum nogotii mittatur in cancellariam domini regis, ut indè fiat commiſſio Domini regis, cui vel quibus Domino regi placuerit, ad negotium prædictum in iuſulâ prædictâ audiendum et terminandum, ſecundùm conſuetudinem inſulæ prædictæ* [3]. Hence the great lawyer [4] from whom I have tranſcribed this record, owns that

[1] Thence called Paſſemens.
[2] Caſus nimis ardui. Conſtitut. Art. V.
[3] Mich. 42. E. 3.
[4] Coke, Inſtit. Part IV. Cap. 70.

the king's writ runneth not into theſe iſles, the like exemption belonging to them all. For which another eminent man of the ſame profeſſion [1] gives theſe two reaſons; 1. becauſe, ſays he, the courts there [in the iſlands] and thoſe here [at Weſtminſter] go not by the ſame rule, method, or order of law; 2. becauſe thoſe iſlands, though they are parcel of the dominion of the crown of England, yet they are not parcel of the realm of England, nor indeed ever were: but were anciently parcel of the dutchy of Normandy, and are thoſe remains thereof which all the power of the crown and kingdom of France have not been able to wreſt from England.

But though the king's writ runneth not into theſe iſles, the ſame great lawyer obſerves from the foreſaid record, that his majeſty's commiſſion under the great ſeal doth [2], which we readily acknowledge, there being divers inſtances of ſuch commiſſions iſſued forth both in former and latter days, yet always upon urgent and uncommon emergencies. And the commiſſioners have been generally taken from the chancery, or have been otherwiſe men verſed and knowing in the civil law, the ſervice being thought to require perſons ſo qualified. Their coming ſuſpends the ordinary forms of juſtice; but firſt they muſt exhibit their commiſſion in court, and have it there enrolled; and then they can in no caſe concerning life, liberty, or eſtate, determine any thing contrary to the advice of the jurats, who are to ſit, opine, and make conjunctive records of their proceedings with them; and laſtly, they muſt judge according to the laws and cuſtoms of the iſles.

Even acts of Parliament do not bind us, unleſs we be therein ſpecially named [3]. And when ſuch acts are to be notified to us, they come accompanied with an order of council, to give them ſanction and currency here.

Courts of juſtice are ſuppoſed liable to err ſometimes in their judgments, and thereon is founded the liberty of appeals. Here, a deciſion by fewer jurats on the bench may be reviewed in a larger aſſembly, as has been already noted. But if after that, the party really or pretendly aggrieved ſtill declines ſubmiſſion to the court, and will needs purſue the matter farther, his recourſe muſt be directly to king and council, under the following regulations, viz. That no appeal for moveable goods, or perſonal eſtate, be allowed, unleſs ſuch eſtate be of the value of three hundred livres tournois; nor for inhe-

[1] Hiſtory and Analyſis of the Common Law of England, written by a learned hand [viz. Lord Chief Juſtice Hale] publiſhed an. 1713. chap. ix.
[2] Ut ſup.
[3] Idem ut ſup.

ritances,

ritances, or real eſtates, unleſs of the value of five livres tournois per annum [1]. If the court denies to allow of the appeal, then it becomes a doleance; concerning which, 'tis likewiſe ordered, That doleances being of an odious nature, as intended principally againſt the judges, whoſe honour is to be maintained for the ſake of juſtice, in caſe the complainant ſhall not make good his doleance, his majeſty by the advice of his council, will lay ſuch fine upon the party failing, as the caſe ſhall require [2].

Nothing has been repreſented more to our diſadvantage, and has done us greater diſcredit, than the frequency of thoſe appeals and doleances, and their being for the moſt part about intereſts comparatively of little moment. *Pudet hæc opprobria nobis* ——It would indeed be happy, if every ſentence in the iſland were ſo weighed, and well conſidered, as to ſtand the teſt, and never need being reverſed, when brought under examination in England. This would effectually diſcourage litigious perſons from importuning the honourable board, and raiſing a clamour againſt the juſtice of their country. At the ſame time, God forbid that the pooreſt man in the iſland ſhould not be heard, and have right done him, (where only he can apply for it) when oppreſſed by a wrong judgment.

In criminal cauſes there lies no appeal. But in regard that our laws did not explicitly diſtinguiſh between man-ſlaughter and wilful murder, and both were equally capital, it was ſometime ago provided by a rule from above, that where there does not evidently appear propenſe and deliberate malice, the court ſhall not proceed to ſentence till the fact be laid before his majeſty, and his pleaſure known. Praiſed be God, there has been very little occaſion for that, or for animadverting on other crimes puniſhable with death. A public execution is not ſeen here in many years.

Whereupon I cannot but add this remark, that the caſe of treaſon, excepted from the cognizance of the bailly and jurats, affords no inſtance, and is a crime utterly unknown and unheard of, amongſt us. True it is, that during the bloody quarrel betwixt the houſes of York and Lancaſter, two gentlemen who had ſome concern in this iſland, came unhappily under the imputation thereof. One was Jeffrey Wallis, Seigneur de St. Germain, a Lancaſtrian, and retainer of the great Earl of Warwick, with whom he

[1] Rules and Orders for adminiſtration of Juſtice, given at the Court at Whitehall, May 19, 1671. Art. XIV.

[2] Ibid. Art. XV.

fell.

fell at the battle of Barnet, fighting againſt Edward IV. for which his memory was attainted, and his eſtate ſeized. The other was Sir Richard Harliſton, once governor of this iſland, where alſo he had made ſome purchaſes, a Yorkiſt, deluded into a defection from Henry VII. which cauſed his ruin. They were neither of them properly of the iſland, ſo that nothing they did, or ſuffered, can be charged to our account, and bring a reproach upon us.

To return to the court; though there is but one tribunal, and the judges always the ſame perſons, yet by reaſon of the great variety and diverſity of cauſes, ſome requiring one method of proceeding, ſome another, ſome more ſome leſs conſiderable, the court is neceſſitated to aſſume four diſtinct characters or denominations; and as it alternately acts under them, is called, either la Cour d'Heritage, or la Cour de Catel, or la Cour du Billet, or laſtly, la Cour du Samedy; of each of which ſomething muſt be ſaid.

La Cour d'Heritage, the firſt and moſt ſolemn of the four, is ſo named, for that it admits of none but hereditary matters to be treated and diſcuſſed in it; as partitions of eſtates betwixt co-heirs, differences among neighbours about bounds, new diſſeiſins and intruſions on other men's lands, pre-emptions between kindred [1] which we call retrait lignager [*retractus conſanguineorum*, and *jus protimeſeos*] the property of rents [2] due for tenements or lands let in fee farm [*reditus fundiarius*] and other things of the like nature, The opening of this court, on the firſt day of it, which is uſually a Thurſday, is with a great deal of circumſtance and formality. The governor, the bailly (or their lieutenants) and the jurats, enter the Cohue with the royal mace carried before them, and ſurrounded by a guard armed with pertuiſans. The bench muſt be full that day, nothing but real ſickneſs, or abſence from the iſland, being allowed in excuſe for a jurat who does not then appear in his place. Seven is the leaſt number required to keep the court. All gentlemen, holding fiefs of the crown by that ſervice called in Records Secta Curiæ, muſt be there alſo, and anſwer to their names, or be fined. Some of thoſe fiefs being in the king's hands, the governor anſwers for his majeſty. The advo-

[1] To preſerve inheritances in families, the next of kin has a right of pre-emption, in caſe of any ſale; or may redeem what is ſold, by returning the money to the purchaſer.

[2] A Rente Fonciere is a rent conſtituted on ſome certain particular fund, be it houſe or land; ſo that into whatever hand the fund happens to fall, either by ſucceſſion or acquiſition, the poſſeſſor ſtands charged for ever with the payment of the rent.

cates renew their oaths. The provoſts and ſerjeants, who are inferior officers belonging to the revenue, attend to give an account of all eſcheats, forfeitures, and other caſual profits and emoluments accrued to the crown, if any ſuch there be. There likewiſe political ordinances, made for the good government of the people, are confirmed and continued, or if need be, abrogated, and new ones made. Againſt the riſing of the court there is a handſome entertainment provided by the king's receiver, where, beſides the governor and members of the court, thoſe gentlemen aforementioned holding fiefs of the crown, have right to ſit, and are therefore ſaid in the Extent and other records, *edere cum rege ter in anno*, i. e. to eat with the king thrice a year. 'Tis ſaid thrice a year, becauſe we have ſo many terms, and this court is the opening of every term. After the firſt day, ſpent moſtly in preliminaries and matters of form, the court goes upon buſineſs every Tueſday and Thurſday following, till the end of the term, the twelve jurats aſſiſting by turns, three at leaſt at a time.

La Cour de Catel is (as the name imports) for deciding diſputes about chattels, moveables, and arrears of rents: For as at heritage rents are ſued for without relation to arrears, ſo here the ſame are ſued for with reference only to thoſe arrears, and may be ſo as far back as thirty-nine years. But the great buſineſs of this court is the adjudication of decrees. Now a decree with us is this: When a man has ſo involved himſelf in debt, as to be unable to ſatisfy his creditors, and is quite born down with proſecutions, he publicly makes ceſſion of his eſtate, which we call *renoncer*, i. e. to renounce, and the eſtate is then ſaid to be *en decret*, i. e. ſubjected to a decree. Whereupon all perſons intereſted, are by three proclamations, and a fourth peremptory, cited to come in, and inſert in a liſt or roll, kept open for that purpoſe, their ſeveral demands, on pain of excluſion. After this, they are called in order, that is to ſay, the laſt creditor firſt, and ſo on retrograding. The laſt creditor is aſked by the judge, whether he will ſubſtitute, and put himſelf in the place of the ceſſionary, and take the eſtate, paying the debts that are of an older date than his, or give up his demand. If he aſſents to the ſubſtitution, the decree is at an end, and the eſtate is adjudged to him. If, on the contrary, he ſays that he will rather loſe his debt than take the eſtate on ſuch condition, the judge proceeds to him that ſtands next in order of time, and ſo on retrograding ſtill, and propounding the ſame queſtion to all, till ſo many have renounced and quitted, that the encumbered eſtate being pretty well eaſed, ſome one be found who may with little or no loſs venture upon it, anſwering for the debts that remain unrenounced; and of ſuch an one it is ſaid *qu'il ſe fait tenant*, i. e. that he makes or declares himſelf tenant. It has been obſerved that more of thoſe debts are for arrears of rents, than for money due upon bond. A few years run of thoſe unpaid, will ſoon eat

out

-out a ſmall eſtate overcharged with them. And concerning bonds, 'tis likewiſe obſervable, that here they are not merely perſonal, as in England, but real, and carry an expreſs hypotheca or mortgage on all poſſeſſions, moveable and immoveable, of the debtor; ſo that a decreed eſtate is no leſs affected by them than by any other demand upon it. This is our way of ſharing a broken eſtate among creditors, wherein, inſtead of faring all alike, as in a caſe of bankruptcy, the oldeſt creditors have a vaſt advantage over the reſt. How far this is agreeable to equity, I ſhall not interpoſe my opinion. At this court alſo, and uſually on the firſt day of it, criminals and malefactors, if there be any ſuch, take their trial; proclamation being made before, that juſtice royale, that is to ſay, the pleas of the crown, will be held that day; whereat ſeven jurats at leaſt muſt be preſent, if the crime be capital; otherwiſe three ſuffice for the ordinary pleas of catel.

La Cour du Billet is an extraordinary court, firſt ſet up ſubſidiarily, when decrees grew ſo frequent, and took up ſo much time, as hardly to leave room for other buſineſs. Whereupon matters of leſs moment, as arreſts, diſtrains, ſuits for arrears of rents not exceeding ten years, and the like, were removed and transferred to this new court; which is therefore named le Billet, becauſe all cauſes brought into it are heard in order, as they are ſet down in a billet or ſcroll affixed to the court-gate, whereby all perſons concerned, inſpecting that ſcroll, may know almoſt within an hour when they ſhall be called, without loſing their time in fruitleſs expectation and attendance.

Laſtly, La Cour du Samedy, or Saturday-Court, is another extraordinary and ſubſidiary court, and properly but a branch of the former. In term-time, it is appointed principally for the King's cauſes [a], and thoſe of the jurats, which are privileged, and not tied to the common rule of billet: out of term, for cauſes of brevity, which will ſuffer no delay, as cauſes relating to navigation and ſea affairs, contracts betwixt merchants, breaches of the peace, and other daily occurrences that require no ſolemnity, but may be diſpatched *de plano*. And note, that when ſentence has been pronounced at Heritage or Catel (the two antient ordinary courts) before leſs than five jurats; or at the extraordinary courts before leſs than three (for moveables of the value of fifty *livres tournois* and upwards) the party aggrieved may appeal before the body of the court, conſiſting of ſeven at leaſt; provided it be at the charge of the appellant, paying three *livres tournois* to the judge, one to each jurat, the like to the procurator, Viſcount,

[a] That is, the Receiver's cauſes, ſuing for rents due to the King, which by his Majeſty are allowed to the Governor, of whom the Receiver farms them.

Greffier,

Greffier, and advocate in the cauſe [1]. Which I mention on purpoſe to ſhew how moderate the fees of the law are with us, when a re-hearing may be had before the whole court at the ſmall coſt of about twenty ſhillings Engliſh money. They are the ſame, or rather yet lower, in all other caſes and inſtances; ſo that I make no doubt but more money is given in Weſtminſter-Hall, in one great cauſe only, than all our advocates together get for their pleadings in a twelvemonth. 'Tis ſome comfort to a people, who are not rich, that they can have juſtice without ruining themſelves in the purſuit of it.

Theſe courts, (except the Saturday-Court, held or intermitted as there is occaſion) have their proper times and ſeaſons for ſitting. But inſtead of four, as in England, we have only three terms. The firſt begins always the Thurſday immediatley before Michaelmas-day, and is reſpited during the whole month of November, that people may attend to ſow their wheat [2], and gather in their fruit for making of cyder. The ſecond begins the next Thurſday after St. Maurus his day, January 15, and is very ſhort, for it ſhuts up early in February, that being the time for cutting the winter-vraic, and ſpreading it on the land; a laborious but moſt neceſſary work, for 'tis in effect fetching bread out of the ſea. That, together with turning up and preparing the ground for the ſummer corn, employs all hands in March and part of April. The third and laſt begins the Thurſday next after St. George's-day, and continues till mid-ſummer, when the long vacation follows, in which there is no pleading, unleſs ſome cauſes, that could not be diſpatched during the term, be put off to the firſt or ſecond week in September, harveſt being then over; and theſe cauſes will ſometimes take up the remainder of that month, till Michaelmas-term begins the round again. This account of the terms ſhews they were not hit upon by chance, but with great wiſdom and deſign calculated for the eaſe and convenience of the people, and the manner of living in this iſland. They intrench as little as poſſible on any buſineſs of neceſſary and general concern. Where it is otherwiſe, juſtice loſes its name, and turns to oppreſſion.

And now leaving theſe different denominations the court at times goes under, we muſt return to conſider it as but one, and ſpeak of the laws which are to be the rule and meaſure of its judgments. But ſurely none will expect I ſhould enter into a detail

[1] Rules and Orders of May 19, 1671. Art. XIII.

[2] Corn here does not lie in the ground ſo long as in England, being ſown later, and reaped ſooner.

of thoſe laws, though it has been often wiſhed that a collection were made of them, and in it the ſeveral particulars diſtinctly noted wherein they vary from the laws of England. Such a work, done by an able hand, would be of good uſe, in regard that not only all cauſes and ſuits within the iſland, whether by the ordinary judges, or extraordinary commiſſioners from England, but appeals alſo before the Council-Board, are to be determined *ſecundùm Leges et Conſuetudines Inſulæ*; which laws and cuſtoms being little known out of the iſland, 'tis ſcarce poſſible but judgment muſt ſometimes be given contrary to the ſame. Peradventure there may ariſe hereafter ſome worthy perſon equal to that taſk. 'Tis enough for me to obſerve in groſs that our laws may be reduced under theſe four heads:

1. The antient cuſtom of Normandy, as it ſtood before the alienation of that dutchy in the time of King John, and was contained in an old book, called in the rolls of the itinerant judges, *la Somme de Mançel*, that is, Mancel's inſtitutes [1]. For whatever changes have ſince that time been introduced into the ſaid cuſtom by French Kings, or French Parliaments, they can be of no force here. This is to us what the ſtatute-law is in England.

2. Municipal and local uſages, which are our unwritten and traditionary law, like the common law in England.

3. Conſtitutions and ordinances [2], made by our Kings, or their commiſſioners impowered thereunto under the Broad Seal; together with ſuch rules and orders as are from time to time tranſmitted to us from the Council Board.

4. Precedents, and former judgments recorded in the rolls of the court. Theſe laſt indeed cannot in ſtrict and proper ſenſe be ſaid to be laws, wanting the royal authority, without which nothing can be law. Nevertheleſs great regard is had to them in ſimilar caſes. The ſame may be ſaid of ſuch political regulations as are made by the court, or the aſſembly of the ſtates, like thoſe ſet forth by other bodies corporate for the good of thoſe ſocieties.

[1] It was never my good fortune to meet with this antient book, nor perhaps is it now extant. The Grand Cuſtumier, ſet forth by Rouillé, and printed at Roûen in Gothic characters, an. 1539, is the freeſt from French innovations. Terrien is next. Berault and Baſnage are too modern.

[2] As thoſe of Henry VII. Queen Elizabeth, &c.

Which political regulations put me in mind of thoſe officers to whom the execution of them is committed in every pariſh throughout the iſland. The chief is the conſtable, an officer of incomparably better account and repute with us than in England, as being always one of the moſt diſtinguiſhed perſons in the pariſh for eſtate and other proper qualifications, and choſen by the votes of the people in like manner as a jurat is choſen. The office is triennial, but ſome continue in it longer, and to thoſe who diſcharge it with honour it is a ſtep to the magiſtracy, there being few on the bench that have not firſt paſſed through that employment, as a ſort of probation, before they mounted higher. The ſaid conſtable has entrance into the ſtates (of which in the next chapter) where he repreſents his pariſh, and takes care of its intereſts. Next under him are two centeniers, in the nature of his ſubſtitutes or lieutenants, to take his place, and act in his ſtead, in caſe of diſability by ſickneſs or otherwiſe. He has beſides twelve, or more, principal houſholders for his aſſiſtants, ſworn to be always ready at his call when the public ſervice requires it, thence termed *Sermentés*, or *Officiers du Connètable*. Add to theſe a vintenier over every particular vintaine. By the vigilance of theſe officers, peace and order are maintained in the pariſh, leſſer offenders are checked and corrected, greater criminals are apprehended and brought to juſtice, public rates (when needful) are levied with equality, and all other things are done which are found conducing to the good government of the community. In every pariſh-aſſembly, if it be for ſecular affairs, the conſtable preſides, though a jurat be preſent; if for matters relating to the church, 'tis the miniſter.

Speaking of the bailly, it has been omitted, that he is the Keeper of the Public Seal, yet ſo that he cannot uſe it unleſs aſſiſted by three jurats. It is kept in a purſe, ſealed with the private ſeals of the three jurats who were at the laſt opening. When occaſion calls next, the bailly delivers the purſe into the hands of the then aſſiſting jurats, who finding the ſeals intire, break them open, and having done with the public one, put it up again into the purſe, ſealed as before, and return the ſame to the bailly, or his lieutenant. This ſeal, with the right and power of uſing it for confirming contracts, and other purpoſes, was given us by Edward I. and from the antiquity of the characters in the inſcription thereon [1], ſeems to be the very ſame numerical ſeal we received from that great King more than four hundred and fifty years ago, ſo carefully and religiouſly has it been preſerved. See the grant of it in the Appendix, Numb. VI.

[1] S. Ballivie Inſule de Jerſeye.

The Judgment-Hall where the court ſits, is called *la Cohué Royale* [1], and ſtands in the town of St. Helier. 'Tis a large and handſome fabrick, faced with Mont-mado ſtone, and fronting the market-place. The court ſits below, and above are ſpacious chambers for laying up the records, for occaſional conferences, and for the entertainment which the King's receiver makes on the firſt day of the *Cour d'Heritage*.

CHAP V.

CONVENTION OF THE STATES.

THIS is properly a general council of the iſland, wherein every inhabitant is ſuppoſed preſent, either perſonally, or by repreſentation. And as there may be a likeneſs of polity and government, where none is pretended of dignity or power, the name of States ought not to offend, becauſe aſſumed in imitation of more auguſt aſſemblies. The Earl of Clarendon indeed at his being in Jerſey, hearing of a meeting of the States, expreſſed ſome ſurprize at our uſe of the word, but found no impropriety in it, when he became acquainted with our conſtitution. For many ages paſt we have been in poſſeſſion of this honour, nor has the crown ever denied to receive deputations and addreſſes from us in the name of the States of his Majeſty's Iſland of Jerſey, the cuſtomary ſtile on thoſe occaſions. It will not therefore (I hope) be thought too great a preſumption to ſay, that this Convention is an image and reſemblance of an Engliſh parliament, a picture of it in miniature. It is compoſed of the Jurats, or Court of Juſtice, as the firſt and nobleſt body; of the Clergy, as the ſecond; and of the Conſtables,

[1] Cohue is an old French word, ſignifying in general the place where juſtice is adminiſtered, eſpecially in Balliages, and the like juriſdictions. "Que les Baillifs et Vicontes ſoient diligens d'aller en Cohue dedans prime le premier jour de leur auditoire, et aux autres jours ſubſequens continuellement dedans ſept heures de matin, et dedans deux heures de relevée, afin que le peuple puiſſe eſtre mieulx et plus toſt expedié." Ordonnances faictes en l'Eſchiquier de Normandie, l'an 1383. ¡Veyéz Grand Couſtumier, en la Chartre aux Normands, fol. xxvi. verſo. In the modern French, it denotes a tumultuary aſſembly of people, talking together loud, and in confuſion.

as the repreſentatives of their pariſhes, by whoſe votes thoſe communities are bound and concluded; the King's Procurator, the Viſcount, and the King's Advocate, though they repreſent no eſtate, being alſo admitted *propter dignitatem*. This Convention cannot be held but by the conſent of the governor, or of his lieutenant, who has a negative voice therein, as the parliament cannot meet but at the pleaſure of the King, nor paſs any thing into law without his royal aſſent. The Bailly, or his lieutenant, is the ſtanding prolocutor in theſe aſſemblies, as the Lord High Chancellor and the Speaker are in the Houſe of Peers and Houſe of Commons. As there, ſo here, every member preſent has voice deliberative. No States can be held without ſeven of each body, at the leaſt; and in caſe of abſence, he whoſe excuſe is not allowed, is liable to be fined. Foreigners preferred to benefices are excluded, unleſs naturalized[1]; it not being thought ſafe or prudent to truſt ſtrangers with the ſecrets of the Iſland till they have given good proofs of their affection to the government they live under.

It is indifferent at whoſe motion this Convention is called; whether at the governor's, when he would propoſe ought for the King's ſervice; or at the magiſtrates, when the intereſts of the iſland require ſuch a public conſultation. But a mutual agreement there muſt be, and then the day being fixed, the denunciators (who are officers of the Court) ſummon the members. It has nevertheleſs happened, that a governor, through wantonneſs of power, has in the greateſt urgency of affairs, if not abſolutely denied, yet delayed his conſent to thoſe meetings, beyond all reaſonable time; and has put a negative upon their deliberations, when there was no manner of ground for it. This was the caſe under Sir John Peyton's adminiſtration, which (in conjunction with other points in diſpute betwixt him and the Bailly,) created ſo much diſturbance in the iſland, that the commiſſioners[2] were ſent over to make inquiry into thoſe matters; upon whoſe report, it was by his Majeſty in council July 2, 1619, ordered as follows. "That if the bailly or juſtices ſhall require an aſſembly of the States, the governor ſhall not defer it above fifteen days; except he have ſuch cauſe to the contrary, either in reſpect of the ſafety of the iſland, or our ſpecial ſervice otherwiſe, as he will anſwer to us, or to the lords of our council; whereof he ſhall give as preſent advice, as poſſibly wind and weather may ſerve. And concerning the governor's negative voice in the

[1] The Court here claims and exerciſes a right of granting Letters of Naturalization, but thoſe to extend no farther than the Iſland. For it is not preſumed they would intitle perſons to the ſame privilege in England, where it is obtainable only by Act of Parliament.

[2] Sir Edward Conway, and Sir William Bird.

making

making of ordinances, it is now alſo ordered, that he ſhall not uſe his negative voice, but in ſuch points as ſhall concern our ſpecial intereſt; the rather in regard that ſuch acts as are made in their aſſembly, are but proviſional ordinances, and have no power or property of laws until they be confirmed by us." And this had been the ſtanding rule ever ſince.

The great beſineſs of theſe meetings, is the raiſing of money to ſupply public occaſions. For as in England, money cannot be raiſed upon the ſubject but by conſent of parliament; ſo here, it is a received maxim, that no levies can be made upon the inhabitants, unleſs agreed to by their repreſentatives aſſembled in common council. Nor have the States a power of themſelves to create new ſubſidys or impoſts; but only, upon extraordinary emergencies, when the ſafety and defence of the iſland requires it, or application muſt be made to the King by perſons ſent over at the public charge, to levy what they judge ſufficient for thoſe purpoſes, by fixed and equal proportions according to the antient rate. In theſe aſſemblies accounts of the public receipts and expences are ſtated and audited; differences ariſing about the diſpoſal and adminiſtration of the Church-treaſuries[1] are examined and determined; works propoſed to be done for the common benefit, are maturely weighed and conſidered; deputies are appointed to carry up our grievances, and ſollicite our affairs at court; good and wholſome ordinances againſt profaners of the Lord's day, blaſphemers of God's holy name, common ſwearers and drunkards, and other riotous and diſorderly perſons, are enacted under proper penalties; and in a word, all other matters are tranſacted therein, as are thought moſt expedient to preſerve the honour and reverence which is due to God and to holy things, the fidelity and obedience we all owe to his Majeſty and thoſe who act under his authority, the peace and tranquillity, the welfare and happineſs of the whole iſland. And yet it muſt be confeſſed, that many of theſe things are of the competence and juriſdiction of the court. But our magiſtrates deem it prudential to take the advice and counſel of the States, wiſely conſidering that their concurrence muſt add force and vigour to the like ſanctions.

[1] What thoſe are will be explained hereafter.

CHAP.

CHAP. VI.

PRIVILEGES.

BY the grace and favour of our Kings, this iſland enjoys many valuable, and ſome uncommon privileges; and the motives aſſigned for granting them, are theſe. 1. To reward our loyalty and fidelity to the Crown of England. We have merited theſe privileges by our good ſervices. 2. To engage us to be loyal and faithful ſtill. We can have no temptation, whilſt we enjoy theſe privileges, to wiſh for a change of maſters. 3. To better our condition, which under the diſadvantages of our ſituation, would otherwiſe be moſt intolerable. There would be no living in this iſland for Engliſh ſubjects, without great freedoms and immuuities; which few would envy, if they knew at what price we purchaſe them.

Whoſo looks into our hiſtory, which is but a continued ſeries of dangers and troubles, and conſiders how expoſed we are to new and freſh attacks upon every incident that may at any time occaſion a war, will hardly think any encouragement too great to keep in heart a people ſo circumſtanced. Trade is the life of an iſland. A war deſtroys ours, and brings on a charge equal to a tax. A man of ſeveral hundreds a year in England, is not ſo high rated to the militia, as one here of but ſo many ſcores. The very poor ſuffer in proportion. For though their poverty exempts them from finding arms of their own, it does not excuſe them from bearing the arms of others, obliged to provide and maintain a certain number. They muſt by frequent detachments keep watch round the coaſt, to prevent ſurprize, and repair to their colours at the ſound of every alarum [1]; whereby the labour of many days, which ſhould ſubſiſt them and

[1] The French armies in Flanders, when the war is there, are moſtly ſubſiſted by the ſouthern maritim provinces of that kingdom; which ſend whole fleets fraught with corn, wines, brandys, &c. to be unladed at Dunkirk, or other ports thereabouts, for the uſe of the ſaid armies. Thoſe fleets, commonly of a hundred ſails, or more, decline the middle of the channel, fearing to meet with Engliſh men of war; and keeping cloſe to their own coaſt, paſs betwixt it and theſe iſlands. As oft as they appear, and ſpecially if a calm or contrary wind detains them at any time in ſight, they unavoidably cauſe an alarum; becauſe 'tis impoſſible for us to know, but they may be an armament equipt againſt us. I remember two ſuch general alarums in one week.

their families, is loſt to them. I could urge much more, but let this ſuffice to ſhew how reaſonable it is, that a people that muſt always ſtand ſword in hand (as I may ſay) ready to meet an enemy who in few hours can come upon them, ſhould have ſome indulgence ſhewn them, and by peculiar grants and conceſſions, be in other reſpects, made as eaſy as their living in ſo ill a neighbourhood will permit. Frontier-places are uſually thus favoured. To be plain, if this and the other iſlands are thought worth keeping, their privileges ought to remain inviolate; there being the ſame reaſons for continuing thoſe ſtill, which prevailed for granting them at firſt.

What our privileges were under our ancient Dukes, before and after the conqueſt, to the time of King John, or whether we had any at all diſtinct from the reſt of our Fellow-Normans, cannot now be known. We claim no higher than that King's conſtitutions, the original of our preſent liberties and franchiſes. Succeeding Kings have enlarged and extended thoſe conſtitutions farther, and ſeem to have vied with each other who ſhould moſt teſtify their approbation of our conduct by additional favours. To enumerate their ſeveral charters, and dwell minutely on every thing therein, would be tedious. In general, by them we are declared a free people, ſubject to no authority but what emanates directly and immediately from the crown. 'Tis there ſaid, that univerſally throughout the King's dominions and territories, *citrà vel ultrà mare*, we ſhall be treated, not *tanquàm alienigenæ*, i. e. as foreigners and aliens, but *tanquàm indigenæ*, i. e. as native Engliſhmen; and this alone includes many points of great moment and importance to us in our commerce, and otherwiſe. Inſtead of entering into a deduction of them, I beg leave te refer to Queen Elizabeth's charter, in the Appendix, Numb. VII. where an inquirer will find ſatisfaction. That excellent Princeſs, ſo juſtly admired for the wiſdom of her government, is particularly noted for diſpenſing her grants with a wary and ſparing hand; whilſt others laviſh theirs out ſo wantonly and undiſcernedly, that to be even loaded with them is no argument of merit. Such a Queen's charter therefore, ſo full and ſo ample, does us honour, at the ſame time that it confers benefits: For it ſhews that ſhe diſtinguiſhed us, and looked on our ſtate and condition as deſerving in a very ſingular manner her royal regard and conſideration.

Our exemption from parliamentary aids, is not ſo properly a grant or privilege, as a natural and neceſſary conſequence of our being a peculiar of the Crown; agreeably to that ſaying of a great man of the law, cited once before [1], that though we are parcel

[1] Pages 123, 124.

of

of the dominion of the Crown of England, yet we are not, nor ever were, parcel of the Realm of England.

In every charter from Edward IV. incluſive, and ſucceſſively downwards, there is a privilege confirmed to us in common with the other iſlands in this tract, of ſo extraordinary a nature, and mentioned by writers as ſo great a ſingularity, that I cannot avoid enlarging upon it. But before I ſay more of it, let the reader view the ſame in the original. I ſhall for the reaſons above, chuſe to tranſcribe it from Queen Elizabeth's charter, adding a litteral tranſlation.

——Cumque nonnulla alia privilegia, juriſdictiones, immunitates, libertates, & franchiſiæ, per prædictos progenitores & prædeceſſores noſtros, quondam reges Angliæ, & Duces Normanniæ, ac alios, præfatæ inſulæ [1] indulta, donata, conceſſa, & confirmata fuerunt; ac à tempore cujus contrarii memoria hominum non exiſtit, infrà inſulam & loca maritima prænominata inviolabiliter uſitata & obſervata fuerunt; de quibus unum eſt, quod tempore belli, omnium nationum mercatores, & alii, tam alienigeni quàm indigeni, tàm hoſtes quam amici, liberè, licitè, & impunè queant, & poſſint, dictam inſulam & loca maritima, cum navibus, mercibus, & bonis ſuis, tàm pro evitandis tempeſtatibus, quàm pro aliis licitis ſuis negotiis inibi peragendis, adire, accedere, commeare, & frequentare; & libera commercia, negotiationes, ac rem mercatoriam ibidem exercere; ac tutò & ſecurè commorari; inde recommeare, ac redire toties quoties, abſque damno, moleſtiâ, ſeu hoſtilitate

——And, whereas ſome other privileges, juriſdictions, immunities, liberties, and franchiſes, have been indulged, given, granted, and confirmed, to the aforeſaid iſle [1], by our forementioned progenitors and predeceſſors, formerly Kings of England, and Dukes of Normandy, and others; and have, from time immemorial, been inviolably, uſed and obſerved, within the iſland and maritime places aforeſaid; one of which is, that in time of war, the merchants of all nations, and others, as well foreigners as natives, as well enemies as friends, may, and ſhall be permitted freely, lawfully and without fear or danger to reſort, accede to, and frequent the aforeſaid iſle and maritime places, with their ſhips, merchandiſes, and goods, as well to avoid tempeſts, as to purſue their other lawful affairs; and there to exerciſe a free commerce, trade, and merchandizing; there ſafely and quietly to ſtay and remain; and thence to return and come back at any time, without any damage,

[1] Viz. Jerſey.

quâcunque, in rebus, mercibus, bonis, aut corporibus ſuis; idque non ſolùm infrà inſulam, loca maritima prædicta, ac præcinctum eorundem, verùm etiam infrà ſpatia undique ab eiſdem diſtantia uſque ad viſum hominis, id eſt, quatenùs viſus oculi poſſet aſſequi: nos eandem immunitatem, impunitatem, libertatem, ac privilegium, ac cætera omnia præmiſſa ultimò recitata, rata grataque habentes, ea pro nobis, hæredibus & ſucceſſoribus noſtris, quantum in nobis eſt, præfatis Ballivo & Juratis, ac cæteris incolis, habitatoribus, mercatoribus, & aliis, tàm hoſtibus quàm amicis, & eorum cuilibet, per præſentes indulgemus & elarginiur, authoritate noſtrâ regiâ renovamus, reiteramus, & confirmamus, in tàm amplis modo & formâ prout prædicti incolæ, & habitatores inſulæ prædictæ, ac prædicti indigeni & alienigeni, mercatores & alii, per anteà uſi vel gaviſi fuerunt, vel uti aut gaudere debuerunt. Univerſis igitur & ſingulis magiſtratibus, miniſtris, & ſubditis noſtris, per univerſum regnum noſtrum Angliæ, ac cætera dominia & loca ditioni noſtræ ſubjecta, ubilibet conſtitutis, per præſentes denunciamus, ac firmiter injungendo præcipimus, ne hanc noſtram donationem, conceſſionem & confirmationem, ſeu aliquod in eiſdem expreſſum aut contentum, temerariè infringere, ſeu quovis modo violare, præſumant; et ſi quis auſu temerario contrà fecerit, ſeu attemptaverit, volumus & decernimus, quantùm in nobis eſt, quòd reſtituat non ſolùm ablata aut erepta, ſed quod etiam pro dampno, intereſſe, & expenſis,

moleſtation, or hoſtility whatſoever, in their wares, merchandizes, goods, or bodies; and that not only within the iſland, and maritime places aforeſaid, and the precincts of the ſame, but alſo all around them, at ſuch ſpace and diſtance as is within man's ken, that is, as far as the eye of man can reach: we approving and allowing the ſaid immunity, impunity, liberty, and privilege, and all the premiſſes laſt mentioned, do, by theſe preſents indulge, and grant the ſame, for us, our heirs and ſucceſſors, as much as in us lies, to the ſaid Bailly and Jurates, and other indwellers, inhabitants, merchants, and others, as well friends as enemies, and to each of them, and by our royal authority, do renew, reiterate, and confirm the ſame, in as ample form and manner as the ſaid indwellers and inhabitants of the ſaid iſland, the ſaid natives and foreigners, merchants and others, have in time paſt uſed and enjoyed, or ought to have uſed and enjoyed them. We do therefore by theſe preſents, charge and ſtrictly enjoin, all and every of our magiſtrates, officers, and ſubjects, throughout our whole Realm of England, and other our dominions, and places ſubject to our government, whereſoever conſtituted, that they do not preſume raſhly to infringe, or any way violate this our grant, conceſſion, and confirmation, or any thing therein expreſſed or contained; and if any one dares, or attempts to do ought to the contrary, we will and command, as much as is in our power, that he not only reſtore the things unjuſtly

penſis, ad plenariam recompenſam & ſatisfactionem compellatur, per quæcunque Juris noſtri remedia, ſeverèque puniatur, ut regiæ noſtræ poteſtatis, ac legum noſtrarum contemptor temerarius.—

taken, but alſo that he be compelled, by any remedies of law, to make full amends and ſatisfaction for the loſs, intereſt, and expences, and be ſeverely puniſhed, as a preſumptuous contemner of our royal authority, and of our laws.—

This is the privilege. Add we now the concurring teſtimony of good authors, owning and aſſerting it in its full extent.

Mr. Camden ſpeaks thus of it, though by a miſtake he applies it to Guernſey only. *Veteri Regum Angliæ privilegio, perpetuæ hic ſunt quaſi induciæ; et Gallis, aliiſque, quamvis bellum exardeſcat, ultrò citròque huc ſine periculo venire, et commercia ſecurè exercere, licet*; i. e. "By an ancient privilege of the Kings of England, there is here a kind of perpetual truce; and how hot ſoever the war be, the French, and others, have free liberty to come hither to trade, and to depart again in ſafety [1].

Mr. Selden urges this privilege as an argument to ſupport his hypotheſis of the King of England's dominion over the narrow ſeas. *Neque enim facilè conjectandum eſt, undenam originem habuerit Jus illud induciarum ſingulare ac perpetuum, quo Caeſareae, Sarniæ, cæterarumque Inſularum Normannico Littori præjacentium incolæ, etiam in ipſo mari fruuntur, flagrante utcunque inter circumvicinas gentes bello, niſi ab Angliæ Regum dominio hoc Marino derivetur*, i. e. "'Tis not eaſy to conjecture whence firſt ſprung that ſingular right [or privilege] of perpetual truce, which the inhabitants of Jerſey, Guernſey, and the other iſlands adjacent to the coaſt of Normandy, enjoy in the midſt of the ſea, notwithſtanding any war betwixt the neighbouring nations round about them, unleſs it be derived from this maritim dominion of the Kings of England [2].

Dr. Heylin, after repeating almoſt verbatim what Mr. Camden had ſaid before him of this privilege, goes on; a privilege founded upon a bull of Pope Sixtus IV. the tenth year, as I remember, of his Popedom; Edward IV. then reigning in England, and Lewis XI. over the French. By virtue of which bull, all thoſe ſtand *ipſo facto* excommunicate, which any way moleſt the inhabitants of this Iſle of Guernſey [3] or any

[1] De Inſul. Britan. page 855.

[2] Mare Claus. Lib. II. Cap. XIX. et iterum Cap. XXII.

[3] Here the Doctor follows Mr. Camden, in his miſapplication of this privilege to Guernſey only.

 which

which reſort unto their iſland, either by piracy, or any other violence whatſoever. A bull firſt publiſhed in the City of Conſtance, unto whoſe dioceſe theſe iſlands once belonged, afterwards verified by the Parliament of Paris, and confirmed by our Kings of England to this day. The copy of this bull I myſelf have ſeen, and ſomething alſo of the practice of it on record; by which it doth appear, that a man of war of France having taken an Engliſh ſhip, and therein ſome paſſengers and goods of Guernſey, made prize and priſoners of the Engliſh, but reſtored thoſe of Guernſey to their liberty and to their own [1].

Even ſtrangers have acknowledged this privilege, and entered it into their books of navigation and commerce. Thus the anonymous author of *les Us et Coutmes de la mer*, printed at Rouen 1671, ſpeaking of prizes taken at ſea, ſays that a prize is not good, *ſi elle a eſtè faite en lieu d'aſyle ou de refuge, comme ſont les iſles et mers de Gerzay et Grenezay, en la coſte de Normandie; auſquelles les Francois et Anglois, pour quelque guerre qu'il y ait entre les deux couronnes, ne doivent inſulter ou courre l'un ſur l'autre, tant et ſi loin que s'eſtend l'aſpect ou la veüe des dites iſles*, i. e. "if the prize be made in places of ſecurity "and refuge [places exempted and privileged] as are the iſles and ſeas of Jerſey and "Guernſey, on the coaſt of Normandy; where the French and Engliſh, whatever war "there be betwixt the two crowns, ought not to inſult, and in a hoſtile manner pur-"ſue each other, ſo long and ſo far as they have the ſaid iſlands in proſpect and in "view [2]."

I can trace this privilege no higher than Edward IV. Now that King could enforce it only on his own ſubjects, which would not have anſwered the deſign of it. The conſent of other princes, eſpecially of the King of France, and of the Duke of Bretagne, to bind it in like manner on their people, was equally neceſſary. It happened that thoſe powers lived at that time in (at leaſt ſeeming) amity with England, which facilitated their concurrence. But Edward would not truſt entirely to that. He applied to the pope, whoſe authority ran high in thoſe days, praying him to ſtrengthen the privilege with his cenſures on the infringers of it. Whereupon the bull was ſent of which Dr. Heylin ſpeaks, received with great reſpect by thoſe ſeveral princes, and by their order publiſhed with more than ordinary ſolemnity in all the ports of their dominions lying towards theſe iſlands, to the end none who navigated in theſe ſeas might plead ig-

[1] Survey of the Iſlands. Ch. I. page 300.
[2] Part. III. Art. XXI. § 6.

norance.

norance. The bull lies now before me, contained in an Inſpeximus of Henry VIII. under the broad ſeal of England. It ſhews in perfection the ſtile of the court of Rome, when its Anathemas ſtruck terror into all men.

If it be aſked that we ſhew ſomething of this privilege upon practice in ſubſequent times, let the facts and examples following ſerve for anſwer. Anno 1523, during the war berwixt Henry VIII. of England, and Francis I. ot France, a ſhip of Guernſey, taken in the Channel by a privateer of Morlaix, was, by order of the Count de Laval, governor of Bretagne for the French king, releaſed upon plea of this privilege. Anno 1524, a prize made by one Pointy, and brought into Jerſey, becauſe taken within the precincts of the iſland, and therefore contrary to this privilege, was, in an Aſſembly of the States, the governor and king's commiſſioners preſent, declared tortionary and illegal, and Pointy adjudged to make reſtitution [1]. Anno —— while the Duke of Somerſet held the government of this iſland, ſome Engliſh privateers came into the port of St. Aubin, and finding there ſeveral French merchantmen trading under the ſecurity of this privilege, would have made prize of them, but were oppoſed by the deputy-governor, who protected the merchants, and raiſing the militia forced the privateers to depart out of the iſland [2]. Anno 1614, in a plea before the parliament of Bretagne, in behalf of three Jerſey merchants taken by the French, the court gave ſentence that theſe iſlands had the privilege *de reſter neutres pendant les guerres d'entre les deux royaumes*; i. e. "to remain neuter during the wars betwixt the two kingdoms [3]." Anno, 1628, a bark laden with goods from St. Malo, conſigned to one Baillehache an inhabitant of Jerſey, was ſet upon in the road by a captain of an Engliſh privateer, named Barker, who was ordered to reſtore the bark, purſuant to this privilege [4]. Laſtly, in the greateſt heat of the war about Rochel and the Iſle of Rhé, the hoſiers of Paris and Rouen had free acceſs to theſe iſlands, and carried off many bales of ſtockings, as thoſe of Coutance continued to do down to the reign of King Charles II. our ports, whilſt carefully watched and guarded againſt hoſtilities, being open to all who came to trade with us in a peaceable manner.

Here then is a very notable privilege, and, I think, abundantly proved; if charters, broad ſeals, the judgments of courts on record, and books, are allowed in proof of any

[1] Acts of the States.
[2] Chron. MSS. de Jerſey, ch. xxv.
[3] This Plea is in print.
[4] In the Rolls of the Court.

thing.

of theſe iſlands, no doubt but the neighbouring conſenting powers likewiſe found their account in it; neutral ports being of common and general benefit to nations. Richard III. indeed had got into his head (as all tyrants and uſurpers are ſuſpicious) that the bull obtained by his brother Edward, and the indulgence granted to theſe iſlands, might be prejudicial to him and his kingdom; inſomuch that he iſſued out a commiſſion to make enquiry, which Rymer has publiſhed [1]. But nothing appearing to have followed thereupon, 'tis plain he found no ground for ſuch an apprehenſion. As for the Pope's part in this affair, he could not deny his protection to the church and church men in theſe iſlands, and the adjoining continent, whoſe caſe at that time ſtood thus. We of the iſlands were under the juriſdiction of a foreign biſhop, the dioceſe of Coutance not being as now confined within the main land of Normandy, but extending itſelf to us, and taking us in. The great Norman abbots had the advowſon and impropriation of all the churches here, with other eſtates beſides in land. So then, the clergy muſt of neceſſity go over to Coutance for orders and inſtitution, or for other matters occaſionally to be tranſacted with their dioceſan. Thither alſo muſt appeals from the biſhop's commiſſary be carried. The abbots muſt have their ſtewards and agents, going and coming, to collect their revenues, and manage their reſpective intereſts. But how could this be, without a communication kept open between the iſlands and the continent even in time of war? They likewiſe whom a miſtaken devotion brought hither to viſit pretended holy places, and privileged churches (for we were not without ſuch [2]) muſt paſs and repaſs unmoleſted. Theſe things being laid before Sixtus IV. no wonder if he thundered as he did againſt all who ſhould obſtruct the navigation to and from theſe iſlands, to the cutting off the intercourſe betwixt a paſtor and his flock, and to the manifeſt injury of ſo many religious perſons concerned in the freedom of theſe ſeas. So long therefore as the cenſures of Rome were dreaded, there was an undiſturbed ingreſs and regreſs here for all, even enemies, who came unarmed. And ſuch for a good ſpace was the ſtate of things in theſe parts; which alſo coincided with thoſe peaceful times, ſpoken of in the firſt chapter, when the French were wholly intent on their conqueſts beyond the Alps. But now followed a great change. Henry VIII. quarrelled with the

[1] Rex dilecto, &c.—Cum quædam Bulla, tempore Domini Edwardi nuper Regis Angliæ quarti, pro utilitate incolarum infra inſulas noſtras de Gerſey et Guernezey obtenta fuerat, quæ forſan nobis & regno noſtro redundare poſſet in præjudicium, —— Nos vobis auctoritatem & poteſtatem per præſentes damus & committimus ad inquirendum, &c. Fœdera, tom. xii. pag. 269.

[2] From the church of St. Peter-Port in Guernſey being ſpecially named in the bull, I ſhould gueſs it to have been ſuch a privileged church.

BRITISH
15 AP 1908
MUSEUM



DRUIDS TEMPLE FOUND IN THE ISLAND OF JERSEY.

Pope, and ſeized on all the poſſeſſions of the Norman abbots in theſe iſlands, who after that had no farther buſineſs here. He left us indeed under the Biſhop of Coutance, but the enſuing reformation by Edward VI. and Queen Elizabeth threw him out too. Then did the French begin to be troubleſome again on their return from their wars in Italy. And ſo the foundations ſinking, on which this privilege had been firſt built, and on which it mainly ſtood, it ſhook, yet fell not all at once. In diſputes about prizes, it was ſometimes appealed to with ſucceſs, as in the inſtances above, but was oftner diſregarded. We have it perpetuated in all our charters, though with ſmall hopes of receiving any advantage even from that; and, perhaps, we ourſelves have put a bar to all future claims and pretenſions to it, by our privateering in the late wars. In ſhort, like many other antiquated things, it ſeems to have no place or being now but in books and parchments; and 'tis principally out of reſpect to thoſe learned men, who have done us the honour to take notice of it as a great rarity and peculiarity of theſe iſlands, that I have ſaid ſo much about it.

CHAP. VII.

RELIGION.

THERE are ſtill to be ſeen in this iſland ſome old monuments of paganiſm. They are great flat rag ſtones, of vaſt bulk and weight, raiſed three or four feet from the ground, and born up by others of a leſs ſize. We call them poquelayes, a word I can hear of no where elſe, and therefore take it to be purely local. But theſe poquelayes are indubitably the ſame with the cromlechs, ſo accurately deſcribed, and largely accounted for, by Mr. Rowlands, in his Mona antiqua reſtaurata [1], and Mr. Toland in his Specimen of the Critical Hiſtory of the Celtic Religion [2], beſides what is ſaid of them by

[1] Firſt Eſſay, Sect. VII. pag. 47, &c. Second Eſſay, pag. 213, &c.
[2] Collection of Poſthumous Pieces, vol. i. pag. 96, &c.

others.

others. They are found more or leſs in all theſe parts of the world, where the ſuperſtition of the Druids, thoſe famous prieſts among the ancient Celts [1] and Britons, obtained before the days of Chriſtianity; and are the altars whereon ſacrifices were offered by them, not of beaſts only, but of living men alſo, as Cæſar [2], Tacitus [3], and all hiſtorians bear witneſs. Albeit, becauſe in this iſland, theſe poquelayes or cromlechs are generally erected on eminences near the ſea, I was inclined to think them dedicated to the divinities of the ocean. But herein I ſtand corrected by Mr. Toland, who having ſeen my book, obſerves, that the culture of the inland parts is the reaſon that few poquelayes are left, beſides thoſe on the barren rocks and hills on the ſea ſide; nor is that ſituation alone ſufficient for entitling them to the marine powers, there being proper marks to diſtinguiſh ſuch wherſoever ſituated [4]. I muſt own this animadverſion to be juſt, being apprized that here and there in this iſland, one meets with a field, or encloſed ground, bearing the name of le Clos de la Poquelaye, an evident ſign and token that on the ſame ſpot, there formerly ſtood one of thoſe altars, ſince removed and carried away to make room for the plough. Mr. Poindextre judged them in all more than half a hundred, ſo that in proportion to the bigneſs of the iſland, they muſt have been as numerous here as in the Iſle of Angleſey itſelf, which was the chief reſidence of the Druids. The preſent age being very inquiſitive into ſuch antiquities, it will not (I preſume) be diſagreeable to the reader, to have three or four of the moſt entire of theſe poquelayes preſented to his view in the notes [5]; an ingenious friend having at my requeſt

[1] The Celts were thoſe Gauls who poſſeſſed the country betwixt the Seine, the Rhine, and the Garonne; and theſe iſlands being comprized in that diviſion, it follows that we alſo are Celts in our original, conſequently involved in the ſame cruel ſuperſtition.

[2] De Bello Gallico. Lib. VI.

[3] Annal. Lib. XIV.

[4] Ut ſup. pag. 99.

[5] In the pariſh of St. Helier, at a place called le Die, and on an artificial riſing ground, there are no leſs than three of theſe altars contiguous to one another. The upper ſtone of the firſt and principal, meaſures in length fifteen feet, in breadth ſix and a half, in thickneſs four, and has three ſupporters. That of the ſecond, to the eaſt of the firſt, is twelve feet long, two and a half broad, and betwixt two and three thick. The third, to the weſt, lies flat on the ground, ſeven feet long, and two broad. On the north are four other great ſtones lying along the ſide of the hillock. From the ruins I ſhould gueſs this to have been one of the Druidiſh temples, which were only orbicular rows of ſtones incloſing within the area one or more altars, whereon they ſacrificed *ſub dio*——In the ſame pariſh upon St. Helier's Hill, is another of theſe altars, ſupported as before, the incumbent ſtone fourteen feet long, ſeven and a half broad, and three thick. Near it was a circle of other ſtones, whereof one only remains, the reſt having been broken to make a wall hard by. ——Another again in the ſame pariſh, on the height of a noted place called le rouge Bouillon, eleven feet and



S. Sparrow, Sculp.

DRUIDS TEMPLE, IN THE ISLE OF JERSEY. Pl. 2.

Pub.d 12 March 1787 by S. Hooper.

BRITISH
15 AP 1908
MUSEUM

queſt taken the dimenſions of them with great exactneſs. I would only add, that the ſight of thoſe barbarous altars, which have ſo often been beſmeared and ſeen ſmoaking with human blood, ſhould remind us and others among whom they ſtill ſubſiſt, of God's infinite grace and mercy, in extinguiſhing ſo helliſh a ſuperſtition by the goſpel of his ſon. The Romans, though themſelves idolaters, yet abhorring human ſacrifices, did all they could to put a ſtop to them where they found them practiſed, giving no quarter to the Druids, the miniſters of thoſe execrable rites. But the utter aboliſhing of them was reſerved to be the glory and triumph of chriſtianity.

The firſt providential ſtep towards the converſion of theſe iſlands, was, the migration of great numbers of holy men, biſhops and prieſts, and a pious laity, out of Great Britain into Armorica, flying from before the face of the prevailing Heathen Saxons. Among thoſe fugitives, the moſt conſpicuous, as for the ſanctity of his life, ſo for the eminence of his character, was St. Samſon, who had been a metropolitan in Britain; but whether of York, or of Menevia (now St. Davids) is ſo little agreed upon, that

and a half long, ten broad, and two thick, with other ſtones lying ſcattered about the ſame.——Near Mont Orgueil Caſtle, there is one on five ſupporters which exceeds the reſt, being fifteen feet in length, ten and a half in breadth, three and a half in thickneſs. With its weight it has made the ſupporters ſink ſo deep in the earth, that one muſt creep to go under it.——I ſhall mention but one more of theſe monuments, differing ſomewhat from the former. It conſiſts of one and twenty ſtones, ſet on end in the form of an oval. Within this oval are fourteen others in two ſtrait rows, ſeven of a ſide, which ſuſtain three large flags, each ſix feet in the diameter, ſo that the ſaid flags lying cloſe and touching one another, may be ſuppoſed to have made one altar eighteen feet in length. Now this alſo I take for a temple, one I mean of the leſs ſort. For 'tis obſerved that thoſe temples of the Druids differed in magnitude, as Chriſtian churches do now. It ſtands near Roſel Haven, on a cliff or hill called le Couperon; and into the ſide of the ſame hill are caverns wrought, leading into one another, the entrance three feet high, and two wide; but for what uſed intended I am not able to ſay; unleſs that, being ſo near the temple, the miſerable victims were there ſhut up and ſecured till they were brought to the altar, on the ſolemn days appointed for ſacrifice.——I cannot yet end, without taking notice of another extraordinary ſtone, which I myſelf remember ſtanding in a place called les Landes Pallot, not far from my houſe in the pariſh of St. Saviour. It was a rocking ſtone, of the ſame nature with the famous one in Scotland demoliſhed by Cromwell's ſoldiers, and with others in England. This in my neighbourhood was roundiſh (as ſuch muſt of neceſſity be) very big, and bearing on the natural rock underneath with ſo juſt a counterpoize, that a child might ſtir it with a finger, when the united ſtrength of many people could not move it from its place. Means however have been found (as I am informed) to caſt it down, for the ſake of the ſplinters to be employed in building. But 'tis not known whether the ſame artifice was uſed in poizing and balancing it, which Sir Robert Sibbald ſays was diſcovered at the demoliſhing of the Scottiſh ſtone. 'Tis thought theſe rocking ſtones were the contrivance of the Druids, to make the credulous multitude believe that they had the power of working miracles.

after all the pains taken by our moſt learned Uſher [1], to collect and compare vouchers on both ſides, the matter remains in obſcurity. That he was a Britiſh archbiſhop, and carried the pall with him into Armorica, is certain, and confeſſed by all. His reception there likewiſe was anſwerable to the rank he had held in his own country, the ſee of Dol being conferred upon him, and in his favour erected into a metropolis [2]. And becauſe the ſame was but of narrow extent, unequal to the dignity to which it was now raiſed, great acceſſions were made to it by the munificence of princes [3]. Theſe iſlands were then under the Kings of France, who had lately embraced Chriſtianity; and Childebert, ſon of Clovis, made a gift of them to St. Samſon, for an augmentation to his ſmall dioceſe; as we learn from D'Argentré, who affirms that he himſelf had peruſed the writings of that donation. *A ceſt Archeveſque Childebert donna quelques iſles et terres en Normandie* [4]; *Rimoul, Augie, Sargie, et Veſargie, qui eſtoint iſles en la coſte; car je trouve cela aux vielles lettres* [5], i. e. "To this Archbiſhop Childebert gave ſome iſlands and "Lands in Normandy; Rimoul, Augie, Sargie, and Veſargie, which were iſlands on "the coaſt; for ſo I find in old inſtruments and records." That Augie was an ancient name of Jerſey, has been ſhewn in the entrance of this work. The other three therefore muſt be, Erme, Sark, and Guernſey, as ſome affinity remaining in the names plainly enough indicates. Alderney is not in the grant, becauſe too remote from Dol. In thoſe days, albeit Chriſtianity did already predominate, and biſhops were eſtabliſhed in every conſiderable city, yet Paganiſm kept ſtill and long its footing in villages [6], and diſtant corners; the territory of Dol particularly continuing to be ſo infected with it, that the remainder of St. Samſon's life ſcarce ſufficed for the rooting of it out; whereby it came to paſs, that he could not give the attention he wiſhed to the care of theſe iſlands, which devolved on his ſucceſſor. Nevertheleſs, in remembrance of him, when

[1] Britannicarum Eccleſiarum Antiquitates, cap v. pag. 39, &c. Iterum, cap. xiv. p. 276, et in Indice Chronologico paſſim.

[2] Till then the biſhops of Armorica had been ſuffragans of Tours. Dol maintained itſelf in its new dignity above ſix hundred years. After great and long conteſtations the ſame was reſtored to Tours.

[3] Ceſt Eveſché a pluſieurs benefices en ſa collation, voire ſemez et enclos aux autres dioceſes, qui luy ont eſté anciennement donnez et attribuez pour reparer la petiteſſe de ſon eſtendue, & auctoriſer le titre d'Archeveſché. D'Argentré Hiſt. de Bretagne, liv. i. ch. xix. fol. 65.

[4] 'Tis ſo called here by anticipation. It's name then was Neuſtria.

[5] Hiſt. de Bret. liv. i. ch. xxviii. fol. 114.

[6] From Pagus, a village, was formed Religio Pagana; as much as to ſay, the religion of villagers and peaſants. For among them heatheniſm retreated, when baniſhed out of cities; and ſuch even now are moſt tenacious of any ſuperſtition they have once imbibed.

the

the iſlands became Chriſtian, a parochial church was built and dedicated to his name in Guernſey, to this day called l'Egliſe & Paroiſſe de St. Samſon. He was a worthy prelate, famous in his time [1]. He ſubſcribed to the third Council of Paris, and finiſhed his courſe about the year 565.

Moſt of the ſees in Armorica were then filled with Britiſh biſhops, who had accompanied St. Samſon in his flight; but in his own dioceſe and metropolitan dignity, he left his nephew St. Magloire (a Briton likewiſe) to ſucceed him [2]. And this was he whom it pleaſed God to make the happy inſtrument of bringing theſe iſlands, which ſate in darkneſs and the ſhadow of death, to the knowledge of himſelf. This holy man, the better to fulfil the work of an evangeliſt, reſolved to quit his biſhoprick; and accordingly reſigned it to St. Budoc, one of his diſciples. Then taking with him a ſelect number of proper aſſiſtants, he ſailed for the iſlands. Jerſey lies the neareſt to Dol; however for that time he paſſed it by, and landed in Sark, which is ſome leagues beyond; chuſing that ſmall place for recollection and prayer, before he entered farther on his miniſtry. And there he raiſed a little monaſtery, or college of prieſts, for a ſupply to the iſlands in after times, by whom I make no doubt but the word of ſalvation was carried over to Guernſey, for I do not find that he himſelf was ever there in perſon. This little monaſtery was ſtill in being eight hundred years after, viz. in the reign of Edward III. as appears from an account in the Remembrancer's office [3], mentioning an annual penſion allowed by the crown, *Conventui Sancti Maglorii in inſuld Sargienſi*, i. e. "to the Convent of St. Magloire in the iſland of Sark." Having done this, he ſailed again, and came to Jerſey; where by his powerful preaching, his exemplary living, and the mighty works which God wrought through his means (if the writers of his life may be credited) he laboured ſo ſucceſsfully, that the governor (whom ſome call Loyeſcon) and all the inhabitants, renouncing idolatry, were baptized into the faith of Chriſt. The reſt of his

[1] On raconte de luy un grand nombre de miracles, et l'Egliſe l'honore le vingt-huitiéme de Juillet. Fleury Hiſt. Eccleſ. liv. xxxiv. ſect. 14.

[2] St. Magloire fut nommé par St. Samſon pour luy ſucceder dans la Dignité Epiſcopale. Il eſtoit ſon parent, mais il eſt a croire que Samſon écouta plus dans ce choix là voix du Ciel que celle de la chair ou du ſang. Magloire ne tint pas long-tems le ſiege, il ſe nomma auſſi un ſucceſſeur, qui fut Budoc, et ſe retira d'abord dans une dependance de ſon Egliſe, où il baſtit un monaſtere, et puis dans l'Iſle de GERSE, où il en baſtit un autre, et y mourut vers l'an 586. Dom Lobineau Hiſt. de Bretagne, tom. i. liv. ii. ſect. 196.—— De S. Samſone ſimul et S. Maglorio videantur Girald. Cambr. in Itiner. lib. ii. cap. i.——Andr. Sauſſay. in Martyrol. Gallic. parte poſter. fol. 774.——Laurent. Surius in Vitâ Maglorii. tom. v. ad Oct. 24.—— Cum cæteris quos notat celeberr. Uſſerius loc. ſuprad.

[3] Seen by Mr. Poindextre, as I find in his papers.

life he ſpent in the iſland, for here alſo he died, and was buried in a little chapel hard by the free-ſchool in the pariſh of St. Saviour. Of this chapel the foundations are ſtill viſible, and the ſchool is from him called l'Ecole de St. Magloire, corruptly St. Manlier. To proceed a little further in our account of one to whom under God we owe that we are Chriſtians, his body having reſted in this iſland upwards of two hundred and ſixty years, Nominoé [al. Neomenius] who then reigned in Bretagne (for now Armorica was ſo called) would have it over, to repoſite it in the monaſtery of Lehon near Dinan, which he was founding [1]. There it lay till the irruption of the Normans, for fear of whom the religious fled with it to Chartres, higher up in the country. From Chartres it had another remove ſome time after, being tranſlated to Paris, where Hugues Capet, afterwards King of France, and founder of the late royal race, cauſed an abbey-church to be built for its reception, bearing the name of St. Barthelemy and St. Magloire [2]. Theſe extraordinary honours done to his aſhes, are not ſet forth here by way of approbation, but only for a proof of thoſe eminent virtues, and zeal in propagating Chriſtianity, which ſpread his fame, and handed it down to the following generations. The day whereon he is commemorated, is Oct. 24 [3].

That Heavenly truth which he had preached, received farther confirmation from the coming of another venerable prelate amongſt us. This was Prætextatus, archbiſhop of Rouen in Neuſtria, whom Fredegund wife of Chilperic King of France, by violence and calumny had got to be driven from his ſee, and baniſhed into this iſland [4]. Finding here a Chriſtian church, yet in a ſtate of infancy, he would not be wanting to tender it, and promote its growth in piety and knowledge. His exile laſted about ten years, whereby he had time and opportunity to exert his charity towards us. All the while the

[1] Neomene fonda le Prieuré de Lehon, qui eſt prés de Dinan, & fiſt r'apporter le corps de St. Magloire, qui eſtoit enſevely en l'iſle, qui eſt l'iſle de Jarze, a la coſte de Normandie, laquelle appartenoit a l'Eveſque de Dol. Dargent. Hiſt. de Bret. liv. ii. ch. xviii. fol. 136. verſo.——Nominoé fut le fondateur de l'Abbaïe de Lehon prés de Dinan.——il y avoit trouvé ſix moines——leur avoit fait eſperer qu'il leur donneroit un établiſſement s'ils pouvoient trouver quelque Corps Saint, et l'apporter en Bretagne. On regardoit en ce temps la ces ſortes de larcins comme des actions d'un grande merite. Un de ces moines alla en l'iſle de Jarze, où St. Magloire avoit eſté enterré. Il perſuada a ceux qui gardoient ces ſacrées dépouilles de les tirer de la terre, pour les apporter en Bretagne. Dom Lobineau Hiſt. de Bret. tom. i. liv. ii. ſect. 62.

[2] Paris ancien et nouveau par Le Maire, tom. i. pag. 356.

[3] Il fit quantité de miracles, et mourut vers l'an 575, le vingt-quatriéme d'Octobre, jour auquel l'Egliſe celebre ſa memoire. Fleury Hiſt. Eccl. liv. xxxiv. ſect. 14.——This hiſtorian gives him eleven years leſs of life than Dom. Lobineau. But 'tis ſcarce poſſible to adjuſt with a critical nicety the chronology of thoſe times.

[4] Gregor. Turon. Hiſt. Franc. lib. v. cap. xviii.

people

people of Rouen lamented the abſence of their paſtor, and called aloud to have him reſtored to them. He was ſo; but not long after, the cruel queen ſent an aſſaſſin who murthered him in his church, for which he is honoured as a martyr [1], and *Orderic Uticenſis* has this diſtich on him,

Occubuit Martyr Prætextatus, Fredegundis
Reginæ monitu, pro Chriſti nomine Jeſu [2].

Thus did Chriſtianity gain entrance into theſe iſlands, and that at a time when it was yet pure, unmixed with any hurtful errors, either in faith or practice. It was the ſame Chriſtianity which the old Britiſh churches profeſſed, antecedently to Auſtin's miſſion into England by Gregory the Great. For they who firſt preached it to us, were themſelves miniſters of thoſe churches. Biſhop Jewel, 'tis well known, challenged the adverſaries of the reformation to ſhew, though but in one ſingle point, that popery (truely ſuch) had any exiſtence in the world for the firſt ſix hundred years after Chriſt. Our converſion falls within thoſe years. It was wrought within that period. Which I deſire to have well noted, leſt ſome, by confounding times, go away with a notion, that our St. Samſon and St. Magloire were belike ſuch ſaints as they whom Rome has canonized in latter ages, and with whoſe forged miracles the Popiſh legends are filled. Thoſe deſerve the honour, as much as theſe (or moſt of them) are unworthy of it. And yet even thoſe good men could not have their pious labours for religion tranſmitted to poſterity by monkiſh writers, without ſome allay of fable and fiction; which an intelligent reader will neglect, and reſt on well atteſted facts, or ſuch at leaſt as from collateral circumſtances have a fair appearance of credibility.

The coming in here of the Normans followed the eſtabliſhment of Chriſtianity; yet not untill by length of time it had ſunk into the hearts of men, and got ſtrength to ſtand againſt the aſſaults and perſecutions of thoſe barbarians; concerning whom, and their declared enemity to Chriſt's religion, I refer to what is ſaid in the firſt chapter. We have indeed but one martyr remembered by name, of whom they made a ſacrifice to their gods, viz. St. Helier; but they who took ſo much delight in ſhedding Chriſtian blood, would hardly be ſatisfied with that of only one holy man amongſt us. 'Tis

[1] L'Egliſe honore Saint Pretextat comme Martyr, le vingt-quatriéme de Fevrier. Fleury Hiſt. Eccleſ. liv. xxxiv. ſect. 52.

[2] Hiſt. Eccleſ. lib. v. apud Du Cheſne Norman. Scriptor. pag. 560.

owing to the darkneſs and remoteneſs of thoſe ages that we have no memoirs of other ſufferers. Such memoirs, if extant, would ſhew theſe iſlands reeking with the blood of the inhabitants, and every ſacred manſion therein made a heap of rubbiſh. For how ſhould we eſcape ſharing in the common deſolation of other Chriſtian countries about us in thoſe calamitous days? But behold a wonder! Of thoſe ſame cruel heathens and perſecutors, it pleaſed God to make converts; briefly, to work ſuch a change in them, that they became a religious people. I mean, as religion then ſtood. For it had already loſt much of its firſt purity. Many corruptions were already crept into it. The zeal of Chriſtians ran then chiefly upon building of churches and monaſteries, and filling them with relics of ſaints; in which the Normans quickly outdid all others[1], meaning thereby to atone for the havock they had made of ſo many holy places whilſt they were yet pagans. For one they had deſtroyed, they built two. Inſomuch that no province of France can vie with Normandy for numbers of religious foundations. Rollo their chief, and firſt duke, led the way[2]; his ſucceſſors followed the example; and there was ſcarce a man of rank and eſtate among them, but would be founder of ſome houſe of devotion.

In Jerſey, ſmall as the iſland is, there aroſe a goodly abbey, that of St. Helier; four priories, viz. Noirmont, St. Clement, Bonne-nuit, and de Lecq; twelve pariſh-churches, of ſo ſolid a ſtructure that time has hitherto made little impreſſion on them; and, laſtly, upwards of twenty chapels, ſome now in ruins, others remaining on foot, whereof two are more eſpecially remarkable. 1. La Chapelle de Notre Dame des pas[3], ſo

[1] Ut quamprimùm Normanni Chriſto ſunt regenerati, protinùs pietatis operibus addictiſſimi extitere; necnon ſacris ædibus extruendis, reſarciendis, vel amplificandis, impenſè animum dederunt, &c. Neuſtria pia, ad Gemet. cap. xiv. pag. 301.———En ce Siecle là, la Religion étoit plus floriſſante en Normandie que dans la plus part des autres païs. Temoin la pieté ſinguliere des Ducs, les temples ſomptueux qu'ils firent edifier, &c. Maſſeville, Hiſt. de Norm. part i. page 280.

[2] Eccleſias funditùs fuſas ſtatuit. Templa deſtructa reſtauravit, &c. Dudo de moribus prim. Norman. apud Du Cheſne. Lib. ii. pag. 85.

[3] This chapel, de Noſtre Dame des Pas, or, in Engliſh, of our Lady of the Steps, ſtands on a rock, about a quarter of a mile ſouth of the town of St. Helliers. It takes its appellation from an apparition of the Virgin Mary to ſome pious prieſt whoſe name is now forgotten; the print of the footſteps are, as it is related, marked in the rock, which, that it might not incommode her feet, became ſoft as dough. A ſimilar miracle is ſaid to have happened at Feſchamp in Normandy, where the Holy Virgin aſcended the high hill that overlooks the town and harbour, leaving the impreſſion of her feet in divers rocks and ſtones ſhe met with in her way.

The

BRITISH
15 AP 1908
MUSEUM


Pub.d 26.1776. Hall & Sellers

ſo called from a pretended apparition of the Bleſſed Virgin, and the print of her ſteps in the rock whereon the chapel is built. 2. La Hogue-bie, ſeated on a high artificial mount, facing Normandy. Hogue is a word with us of the ſame general import as *agger* and *tumulus* in Latin; but here more nearly anſwers to what in England is called a barrow, i. e. a pile of turf and earth raiſed with hands on the body or bodies of one or more illuſtrious dead, ſlain in ſingle combat or in war. Of theſe Hogues we have divers in Jerſey [1], but this exceeds the reſt, both in height, and in the circumference of the area which it takes up. The tradition concerning it and the chapel above it, is, that a certain Norman nobleman, Seigneur de Hambie, being killed in this iſland, his widow cauſed this extraordinary monument to be erected over him, and had it carried up to that height, purpoſely that from her window in Normandy ſhe might at all hours have a ſight of the place where the dear man lay interred. The chapel on the top, as it added to the height, and brought the beloved object ſtill nearer, ſo it ſerved at the ſame time for maſſes to be ſaid therein for the ſoul of the deceaſed, according to the ſuperſtition then in vogue. And thus far the tradition has nothing improbable in it. For the Seigneurs de Hambie were well know in their time, and make a figure in the hiſtory of Normandy. They were founders of the abbey of Hambie [2], not far from Coutance; and their family name being Paiſnel, latinized into Paganellus [3], they communicated the ſame to a fief which they poſſeſſed in this iſland, ſtill called le Fief de Paiſnel. But there are other circumſtances accompanying the ſtory, which have too much the air of romance to be taken in here. The whole from the Latin MSS. will be found in the Appendix Numb. X. Mr. Poindextre indeed was of opinion, that this and the other hogues in this iſland were raiſed at the time that the Normans began their inroads into theſe parts; and were intended for ſpeculæ or watch hills, to diſcover thoſe rovers at ſea, and give notice of their reproach; and that the chapel was built after-

The age of this building is not known, nor has tradition preſerved the name of its founder, any more than the date or particulars of the miracles, which probably gave cauſe to its erection. It has, however, ſeeming marks of great antiquity; at preſent it is uſed as a ſtore-houſe; and in July, 1776, was filled with different goods. The then occupier deſcribed it as quite plain, having neither carving nor inſcription. It is of very rude workmanſhip; the roof ſeems to be ſtone, formerly covered with either ſlate or ſtones cut thin like tiles.

[1] But more formerly, which have been levelled for culture of the land, as the poquelayes taken away for the ſame reaſon.

[2] Neuſtria pia. ad Hambey, cap. i, page 821

[3] Fulco Paganellus de Normanniâ, vir nobilis, et Willielmus frater ejus, &c. Matt: Pariſ. Hiſt. maj. ad an. 1230. pag. 399.———Duo fuere Paganelli, Fulco & Gulielmus fratres, Heroes, &c. Polyd. Verg. in Henr. III. Lib. xvi. page 299.

wards

wards by one Mabon, dean of the iſland, about the year 1520. But I cannot ſee the neceſſity of ſuch ſpeculæ, where the land is ſo high as naturally and of itſelf to afford a free proſpect all around. And 'tis from taking too ſlight, or too diſtant an obſervation of the chapel, that the ſame learned gentleman aſcribes it to Mabon; who (tis true) made an addition to it, but ſuch as is eaſily diſtinguiſhable from the more ancient building. Mabon had been to viſit the holy places at Jeruſalem, and at his return thought that by ſetting up a repreſentation of our Lord's ſepulchre, he might excite a greater fervour of devotion among the people. Accordingly he lengthened the chapel to the eaſt, and excavated a place under the altar, with paſſages leading down to it, which imitated not ill the repoſitory of our Lord's ſacred body, as Sandys and other travellers deſcribe the ſame. Our Chronicler repreſents this man as a great deceiver, who, by feigned viſions and apparitions in this place, drew many offerings to it, and no ſmall gain to himſelf [1]. In a word, it was the great ſcene of Popiſh ſuperſtition and impoſture, whilſt that religion had footing amongſt us.

It has been ſhewn above how all theſe iſlands, by the conceſſion of a King of France, were annexed to the ſee of Dol in Armorica or Bretagne, which was a detaching them (at leaſt as to ſpiritual concerns) from the province to which they naturally belonged, viz. Neuſtria. But when about three hundred and fifty years after, another King of France yielded up Neuſtria to Rollo and his Normans, and theſe fell out with the Britons about the limits of their territories and other matters, they would not ſuffer an alien, and often an enemy, to have any thing any longer to do here. They withdrew us from him, and placed us under a biſhop of their own, the Biſhop of Coutance; who being the neareſt, was for that reaſon the fitteſt to have the ſuperintendancy over us. By the advantage of this mutual neighbourhood, we ſometimes enjoyed the preſence of our biſhop, a happineſs which in theſe latter times we are unacquainted with. I have in my hands a tranſcript from the archives of Coutance, recording the year and day of the conſecration of every church in Jerſey, which neceſſarily ſuppoſes the biſhop preſent on thoſe occaſions. For I do not remember that the power of conſecrating churches was wont to be delegated to an inferior miniſter. Under this biſhop we continued till the reformation, notwithſtanding our ſeparation from Normandy. Once King John, in a fit of anger for the loſs of that province, had reſolved to transfer us to Exeter [2]; but either changed his mind, or by his troubles was diverted from doing it. Henry VII. went farther, having actually procured a bull from Rome, to lay us to Saliſbury, and

[1] Chron. MSS. de Jerſey, ch. i.
[2] Rotul. Inſular. in Scaccar.

then

then another (upon cancelling the firſt) to remove us to Wincheſter; yet neither of them took effect, though the bull for Wincheſter be entered in Biſhop Langton's regiſter. It may be ſeen in Rymer [1], and likewiſe in the Appendix, Numb. XI. 'Tis probable Queen Elizabeth took the hint from her grandfather, when at length ſhe fixed us in the dioceſe laſt named. Now for the exerciſe of ſuch acts of eccleſiaſtical juriſdictions as he could depute to another, the Biſhop of Coutance had in each Iſland of Jerſey and Guernſey a commiſſary with a ſort of archidiaconal power, but better known by the name of Dean; and if the Biſhops of Dol had the ſame, which can hardly be queſtioned, the office muſt be of the like ſtanding here as chriſtianity itſelf. The ſaid Dean, in executing his commiſſion, met ſometimes with oppoſition from the governor, and was forced to ſeek relief from the ſovereign, as in the inſtance below among the notes [2].

Something alſo has been ſaid of the great poſſeſſions of the Norman Abbots in theſe iſlands. It was the ſame in all, but I ſhall confine this account ſingly to Jerſey. Here then thoſe Abbots were Lords of ſeveral good manours, and had the priories reduced to cells and dependencies on their houſes. They were patrons of all the churches, and ſhared the tythes of them all, leaving only a very mean and unequal portion to thoſe who miniſtered at the altar. Which different allotments will beſt appear by inſerting the following extract from the black book of Coutance, atteſted under the epiſcopal ſeal of that our then mother-church. Of this there is handed an old Engliſh tranſlation, ſuppoſed to be made in the time of Edward VI. or Queen Elizabeth, varying in ſome particulars from the Latin. I have ſet them one againſt the other, that he who will may compare them.

Univerſis præſentes litteras inſpecturis, Officialis Conſtantienſis Salutem. Notem facimus quod nos ad requeſtam religioſorum virorum Abbatis & Conventus Sancti Salvatoris Vicecomi-

[1] Foedra. Tom. XII. page 740.

[2] Claus. an. 23. Ed. I. m. 6. Cedula. Edwardus, &c. dilecto & fideli ſuo Henrico de Cobham, Cuſtodi Inſularum—Quia accepimus quod Decanus inſule noſtre de Genereye [3] predicte, ſuper aliquibus que ſpectant ad juriſdictionem ſuam in eadem inſula per vos hactenus extitit impeditus, quo minus eam exercere potuit vel debeat; Nolentes eidem Decano injuriari in hac parte, vobis mandamus quod ipſum Decanum juriſdictione ſua paciſice uti permittatis, prout ea uti debet, et hactenus uti conſuevit; Ita tamen quod nichil exerceat in prejudicium noſtre regie dignitatis, noſque ſuper cauſa impedimenti predicti per vos eidem Decano ſic illati in proximo Parliamento ſub ſigillo veſtro diſtincte et aperte reddatis certiores. T. meipſo ap. Weſtm. XXVI. die Aug. an. Regni noſtri viceſimo tertio. Vid. Ryley's Placita Parliament. in Append. page 468.

[3] The tranſcriber of this record has ſo miſpelled the name of the iſland that one knows not which of the two is meant, Jerſey or Guernſey.

tis, viſitavimus, legimus, & inſpeximus, atque viſitari, legi, & inſpici fecimus, quendam librum in Domo ſeu manerio Epiſcopali Conſtantienſi exiſtentem, vulgariter Librum Nigrum nuncupatum, in quo vidimus & legimus nonnullas Clauſulas, Eccleſias, & Beneficia Inſulæ Jerſey, & de eis cum præfato Libro Nigro collationem fecimus diligenter. Quarum quidem Clauſularum tenor ſequitur de verbo ad verbum, & eſt talis

Eccleſia Sancti Breverlardi.

Patronus, Abbas Sancti Salvatoris Vicecomitis, & percipit duas partes garbarum, & Rector ſextam, Abbatiſſa de Cadomo— Abbatiſſa Vilmonaſterij duodecimam. Rector item habet ſex virgas eleemoſynæ. Et valet dicta eccleſia annis communibus triginta libras turonenſes.

The Church of St. Brelade.

The patron thereof is the Abbot of St. Saviour Vicount, who have two parts of the tythe-ſheaves, the Miniſter the ſixth part, the Abbeſs of Caen the twelfth part, the Abbeſs of the Monaſtery Villiers [1] the twelfth part. Beſides the Miniſter have ſix vergies of almes ground. And the ſaid church one year with another is worth thirty *livres tournois*.

Eccleſia Sancti Petri.

Patronus, Abbas Sancti Salvatoris Vicecomitis, & percipit medietatem garbarum, Abbatiſſa Cadomenſis quartam garbam, & Abbatiſſa Vilmonaſterienſis aliam quartam, exceptâ Carucatâ des Nobretetz. Rector percipit novalia, & habet octo virgas terræ eleemoſynæ, & valet triginta libras turonenſes.

The Church of St. Peter's.

The patron thereof is the Abbot of St. Saviour Vicount, who have half the ſheaves, the Abbeſs of Caen the fourth part, and the Abbeſs of the Monaſtery Villiers the other fourth, *exceptâ Carucatâ* of the *Nobretey*. The Miniſter have the novals, and four vergies of almes, and it is worth thirty *livres tournois*.

Eccleſia de Trinitate.

Patronus, Abbas Cæſaris-burgi. Abbas Sancti Salvatoris Vicecomitis percipit ſextam garbam, Abbas Cæſaris-burgi tertiam, & liberam decimam; Epiſcopus Auritanus medietatem garbarum. Rector percipit novalia, & habet octo virgas eleemoſynæ;

Trinity Church.

The patron thereof is the Abbot of Sherburg. The Abbot of St. Saviour Vicount have the ſixth ſheave, the Abbot of Sherburg the third, and the free tythe; the Biſhop of Avranche half the ſheaves. The Miniſter have the novals, and eight vergies

[1] Villiers Canivet.

& va-

& valet communibus annis triginta libras turonenſes.

of almes; and it is worth one year with another thirty *livres tournois*.

Eccleſia Beatæ Mariæ.

Patronus, Abbas Cæſarienſis. Abbas Sancti Salvatoris Vicecomitis percipit ſextam garbam, Abbatiſſa Cadomenſis et— quartam partem decimæ garbarum. Rector percipit tertiam partem garbarum, & habet ſexdecim virgas eleemoſynæ, & valet triginta libras turonenſes.

The Church of St. Mary.

The patron thereof is the Abbot of Sherburg. The Abbot of St. Saviour Vicount have the ſixth ſheave, the Abbeſs of Caen and of the Monaſtery Villiers every one of them the fourth part of the tythe of the ſheaves. The Miniſter have the third part of the ſheaves, and fixteen vergies of almes, and it is worth yearly thirty *livres tournois*.

Eccleſia Sancti Johannis.

Patronus, Abbas Sancti Salvatoris Vicecomitis, & percipit totam decimam, et eccleſia ibidem Prioratus ejuſdem Monaſterij. Et ſunt ibi duæ virgæ eleemoſynæ, & valet viginti octo libras turonenſes.

The Church of St. John.

The patron thereof is the Abbot of St. Saviour Vicount, who have the whole tythe, and there is the Priory of the ſaid Monaſtery. And there is twelve vergies of almes, and it is worth eighteen *livres tournois*.

Eccleſia Sancti Audoeni.

Patronus, Abbas Sancti Michaelis in periculo maris, & percipit ibi duas garbas, & quatuor libras turonenſes. Abbatiſſa Cadom. & Monaſterij Villers duodecimam garbam; Abbas Sancti Salvatoris Vicecomitis ſextam garbam. Rector habet quatuor virgas eleemoſynæ, & valet triginta libras turonenſes.

The Church of St. Ouen.

The patron thereof is the Abbot of St. Michael in the danger of the ſea, who have two ſheaves, and four *livres tournois*. The Abbeſs of Caen and of the Monaſtery Villiers every one of them the twelfth ſheave; the Abbot of St. Saviour Vicount the fixth. The Miniſter have four vergies of almes, and it is worth thirty *livres tournois*.

Eccleſia Sancti Laurentij.

Patronus, Abbas de Blancâ Landâ, &

The Church of St. Lawrence.

The patron thereof is the Abbot of

 percipit

tis, viſitavimus, legimus, & inſpeximus, atque viſitari, legi, & inſpici fecimus, quendam librum in Domo ſeu manerio Epiſcopali Conſtantienſi exiſtentem, vulgariter Librum Nigrum nuncupatum, in quo vidimus & legimus nonnullas Clauſulas, Eccleſias, & Beneficia Inſulæ Jerſey, & de eis cum præfato Libro Nigro collationem fecimus diligenter. Quarum quidem Clauſularum tenor ſequitur de verbo ad verbum, & eſt talis

Eccleſia Sancti Breverlardi.

Patronus, Abbas Sancti Salvatoris Vicecomitis, & percipit duas partes garbarum, & Rector ſextam, Abbatiſſa de Cadomo— Abbatiſſa Vilmonaſterij duodecimam. Rector item habet ſex virgas eleemoſynæ. Et valet dicta eccleſia annis communibus triginta libras turonenſes.

The Church of St. Brelade.

The patron thereof is the Abbot of St. Saviour Vicount, who have two parts of the tythe-ſheaves, the Miniſter the ſixth part, the Abbeſs of Caen the twelfth part, the Abbeſs of the Monaſtery Villiers [1] the twelfth part. Beſides the Miniſter have ſix vergies of almes ground. And the ſaid church one year with another is worth thirty *livres tournois*.

Eccleſia Sancti Petri.

Patronus, Abbas Sancti Salvatoris Vicecomitis, & percipit medietatem garbarum, Abbatiſſa Cadomenſis quartam garbam, & Abbatiſſa Vilmonaſterienſis aliam quartam, exceptâ Carucatâ des Nobretetz. Rector percipit novalia, & habet octo virgas terræ eleemoſynæ, & valet triginta libras turonenſes.

The Church of St. Peter's.

The patron thereof is the Abbot of St. Saviour Vicount, who have half the ſheaves, the Abbeſs of Caen the fourth part, and the Abbeſs of the Monaſtery Villiers the other fourth, *exceptâ Carucatâ* of the *Nobretey*. The Miniſter have the novals, and four vergies of almes, and it is worth thirty *livres tournois*.

Eccleſia de Trinitate.

Patronus, Abbas Cæſaris-burgi. Abbas Sancti Salvatoris Vicecomitis percipit ſextam garbam, Abbas Cæſaris-burgi tertiam, & liberam decimam; Epiſcopus Auritanus medietatem garbarum. Rector percipit novalia, & habet octo virgas eleemoſynæ;

Trinity Church.

The patron thereof is the Abbot of Sherburg. The Abbot of St. Saviour Vicount have the ſixth ſheave, the Abbot of Sherburg the third, and the free tythe; the Biſhop of Avranche half the ſheaves. The Miniſter have the novals, and eight vergies

[1] Villiers Canivet.

& va-

& valet communibus annis triginta libras turonenſes.

of almes; and it is worth one year with another thirty *livres tournois*.

Eccleſia Beatæ Mariæ.

Patronus, Abbas Cæſarienſis. Abbas Sancti Salvatoris Vicecomitis percipit ſextam garbam, Abbatiſſa Cadomenſis et— quartam partem decimæ garbarum. Rector percipit tertiam partem garbarum, & habet ſexdecim virgas eleemoſynæ, & valet triginta libras turonenſes.

The Church of St. Mary.

The patron thereof is the Abbot of Sherburg. The Abbot of St. Saviour Vicount have the ſixth ſheave, the Abbeſs of Caen and of the Monaſtery Villiers every one of them the fourth part of the tythe of the ſheaves. The Miniſter have the third part of the ſheaves, and ſixteen vergies of almes, and it is worth yearly thirty *livres tournois*.

Eccleſia Sancti Johannis.

Patronus, Abbas Sancti Salvatoris Vicecomitis, & percipit totam decimam, et eccleſia ibidem Prioratus ejuſdem Monaſterij. Et ſunt ibi duæ virgæ eleemoſynæ, & valet viginti octo libras turonenſes.

The Church of St. John.

The patron thereof is the Abbot of St. Saviour Vicount, who have the whole tythe, and there is the Priory of the ſaid Monaſtery. And there is twelve vergies of almes, and it is worth eighteen *livres tournois*.

Eccleſia Sancti Audoeni.

Patronus, Abbas Sancti Michaelis in periculo maris, & percipit ibi duas garbas, & quatuor libras turonenſes. Abbatiſſa Cadom. & Monaſterij Villers duodecimam garbam; Abbas Sancti Salvatoris Vicecomitis ſextam garbam. Rector habet quatuor virgas eleemoſynæ, & valet triginta libras turonenſes.

The Church of St. Ouen.

The patron thereof is the Abbot of St. Michael in the danger of the ſea, who have two ſheaves, and four *livres tournois*. The Abbeſs of Caen and of the Monaſtery Villiers every one of them the twelfth ſheave; the Abbot of St. Saviour Vicount the fixth. The Miniſter have four vergies of almes, and it is worth thirty *livres tournois*.

Eccleſia Sancti Laurentij.

Patronus, Abbas de Blancâ Landâ, &

The Church of St. Lawrence.

The patron thereof is the Abbot of

 percipit

percipit tertiam partem decimæ; Abbas Sancti Salvatoris Vicecomitis Sextam, Epiſcopus Aurenſis medietatem. Rector habet ſexdecim virgas eleemoſynæ, & valet triginta libras turonenſes.

Blancheland, who have the third part of the tythe; the Abbot of St. Saviour Vicount the ſixth; the Biſhop of Avranche the half. The Miniſter have ſixteen vergies of almes, and it is worth thirty-five *livres tournois*.

Eccleſia Sancti Salvatoris.

Patronus, Archidiaconus Vallis Viris in Eccleſiâ Conſtantienſi. Et eſt ibi Vicarius qui reddit Archidiacono annuatim viginti libras turonenſes. Dominus Epiſcopus Conſtantienſis percipit medietatem decimæ, Archidiaconus tertiam, Abbas Sancti Salvatoris Vicecomitis ſextam. Et habet Vicarius viginta quatuor virgas eleemoſynæ.

The Church of St. Saviour.

The patron thereof is the Archdeacon of Vallis Viriz [1] in the Church of Conſtance. And there is a Vicary who giveth yearly twenty *livres tournois* to the Archdeacon. The Biſhop of Conſtance have half the tythes, the Archdeacon the third, the Abbot of St. Saviour the ſixth. And the Vicary have twenty-four vergies of almes.

Eccleſia Sancti Clementis.

Patronus, Abbas Sancti Salvatoris Vicecomitis. Rector percipit quartam & quintam garbam; Abbas Sancti Salvatoris Vicecomitis, Abbatiſſa Cadom, & Monaſterij Villers reſiduum. Et ibi viginti quatuor virgæ eleemoſynæ, & valet quadraginta libras turonenſes.

The Church of St. Clement.

The patron thereof is the Abbot of St. Saviour. The Miniſter have the fourth and fifth ſheave; the Abbot of St. Saviour, the Abbeſs of Caen and of the Monaſtery Villiers, the reſt. And there is twenty-four vergies of Almes, and it is worth forty *livres tournois*.

Eccleſia Sancti Martini veteris.

Patronus, Abbas Cæſarienſis, & percipit ibi centum ſolidos de penſione. Rector percipit tertiam partem decimæ, et habet viginti ſex virgas eleemoſynæ. Abbas Sancti Salvatoris Vicecomitis ſextam garbam; Abbatiſſa Cadom, & Monaſterij

The Church of St. Martin's.

The patron thereof is the Abbot of Sherburg, who have a hundred ſouce of penſion. The Miniſter have the third part of the tythe, and twenty-ſix vergies of almes. The Abbot of St. Saviour Vicount have the ſixth ſheave; the Abbeſs of Caen

[1] Vauvert

Villiers

Villers quartam partem ; et valet ſeptuaginta libras turonenſes.

and of the Monaſtery Villiers every of them the fourth part ; and it is worth ſeventy *livres tournois.*

Eccleſia de Grovillâ.

Patronus, Abbas de Exaquio. Percipit quartam garbam ; Abbas Sancti Salvatoris Vicecomitis ſextam ; Abbatiſſa Cadom. et Monaſterij Villers medietatem. Rector percipit nonam partem, et habet duodecim virgas eleemoſynæ ; et valet communibus annis quinquaginta libras turonenſes.

Grouville Church.

The patron thereof is the Abbot of Laſſey [1], who have the fourth ſheave ; the Abbot of St. Saviour Vicount the ſixth ; the Abbeſs of Caen and of the Monaſtery Villiers the half. The Miniſter have the ninth ſheave, and twelve vergies of almes ; and it is worth yearly fifty *livres tournois.*

☞ Here the Latin copy is defective.

The Church of St. Helier.

The patron thereof is the Abbot of St. Saviour Vicount, who have half the tythe, and the Miniſter have of that half the fifth ſheave. The Abbeſs of Caen and of the Monaſtery Villiers every of them the fourth part. The Miniſter have——vergies of almes, and it is worth forty *livres tournois.*

Quod autem vidimus et legimus, hoc teſtamur. In cujus rei teſtimonium ſigillum magnum curiæ Epiſcopalis Conſtantienſis preſentibus duximus apponendum. Datum Conſtantiæ, anno Domini milleſimo quadringenteſimo ſexageſimo primo, ſextâ die menſis Februarij.

Theſe copies having, in a long courſe of years, paſſed through the hands of many tranſcribers, 'tis no wonder if there be found in them ſome variations and errors, which can hardly be rectified but by a new collation with the original at Coutance, if it were worth the while. Take them as they are, and they ſufficiently ſhew how the churches in this iſland were impoveriſhed and pillaged, to enrich with their ſpoils the religious houſes in Normandy. It might reaſonably have been expected that the reformation (towards which I am haſtening) ſhould have redreſſed this great abuſe ; ſo that when thoſe houſes were ſtript of their poſſeſſions here, the tythes at leaſt had reverted to their pri-

[1] De l'Eſſay.

mitive

mitive deſignation; the crown contenting itſelf with the patronage of the churches, and with the ſeizure of the manors and lands. Yet ſo it was not. All was alike ſwallowed up, and without diſtinction thrown into the revenue; whereby the now proteſtant incumbents remain excluded from all demands beyond the poor and ſcanty proportions ſpecified in the extract above. But becauſe there will be occaſion to reſume this ſubject, I ſhall ſay no more of it at preſent.

If a people of themſelves religiouſly diſpoſed (which I beg leave to ſay has been ſome time our character) are not therewithal competently knowing and enlightened, they will naturally give into every thing that has a ſhew of piety, be it never ſo idle and childiſh. Such was our ſtate under popery, no place being more overrun with little and low ſuperſtitions than this iſland. But the time was now come for this darkneſs hanging over us to vaniſh at the light of the reformation, which in its beginning and progreſs with us kept pace with England. Henry VIII. quarelled with the Pope, rather than with the Pope's religion; and ſo, except his caſting out thoſe foreigners who made a prey of us, he left things little better than he found them. In the reign of his ſon Edward VI. the work proceeded, as more orderly, ſo likewiſe more vigorouſly, and the glorious day brightened upon us. The Engliſh liturgy, or (as it was then more commonly called) the ſervice book, was tranſlated into French, ſent hither, and uſed in all our churches. Under Queen Mary, the maſs was ſet up again; but through a ſingular mercy of God, the perſecution did not rage here as in other places. While that Queen made bonfires of proteſtants in England, one Richard Averty, a Popiſh prieſt in this iſland, was hanged for murther by ſentence of the royal court [1]. He was a great enemy and perſecutor of the married clergy, but at the ſame time kept a whore, who being brought to bed, the wretch to conceal his ſhame murdered the infant, unknown to the mother. Whereupon he was apprehended, and in ſpight of all the oppoſition made by Paulet the Popiſh Dean (who would have had him convened before the Biſhop of Coutance as his proper judge) ſuffered the death he deſerved. This muſt ſeem an act of great courage and reſolution in the court, to any who conſiders the power and credit of the Popiſh clergy in that reign. It was not ſo in Guernſey, where ſuch an inhuman barbarous deed was committed, as the like is not to be met with in either ancient or modern martyrologies. A poor aged widow, and her two daughters, whereof one named Perrotine Maſſey had married a miniſter, who was fled for the ſecurity of his own life, was condemned to be burnt for hereſy. The miniſter's wife was big with child. When ſhe came to ſuffer, her belly burſt through the violence of the flame, and a lovely boy iſſuing forth fell

[1] Chron. MSS. de Jerſey. Ch. XXIX.

gently on the faggots. The child was taken up, and carried to the magiſtrates, who ſent it back, ordering it to be thrown in with the mother. The cruel command was obeyed, and the innocent babe baptized in fire [1].

But now came on the more happy days of good Queen Elizabeth, which reſtored to us true religion, in a perfect agreement with the Church of England, and in the uſe again of the liturgy, as in the time of her brother. And it being a thing utterly inconſiſtent for a Proteſtant people to be under the government of a Popiſh biſhop, we were diſcharged from owning and acknowledging him of Coutance any longer. In the year 1565, which was the ſeventh of the Queen, I find two agents here from him, to lay before the royal court ſundry claims and demands in his name, as ordinary of the iſland; offering to give inſtitution to ſome livings then void, on the Queen's or governor's preſentation, without regard to the old patrons the Abbots. What anſwer the court returned to the meſſage needs not be ſaid; however, the bearers were treated and diſmiſſed, civilly. Then, or ſoon after, we had the Biſhop of Wincheſter given us for our dioceſan.

In thoſe ſame days, the Proteſtants in France being cruelly perſecuted, the nearneſs of this iſland invited many of their miniſters to take ſanctuary here, firſt and laſt during the reign of the Queen to the number of well nigh fifty [2]. The cauſe for which they ſuffered ſpake too loudly in their favour not to procure them a kind reception. Some of them were men of diſtinction for birth and learning, and all ſo much ſuperior to our own clergy at that time in the talent of eloquent and pathetic preaching, which they had practiſed in France, that they grew into marvellous eſteem. And had they pleaſed to acquieſce in the eſtabliſhed order, and by their example confirm the people in the juſt reverence that had thus far been paid to it, their coming amongſt us would have been indeed a bleſſing. For ſo effectually did they beat down every ſuperſtition remaining, that in a little while not a Papiſt was left in the iſland, nor has there been one ever ſince. But they were too great admirers of their own way; in which if they were not permitted to go on, they ſticked not to declare that they would retire, and beſtow their labours elſewhere. To hear this, was very grievous to an honeſt well-meaning people, who feared to be left without a ſupply of able miniſters to preach to them, the difference of language making it impracticable to have aſſiſtance from England. In

[1] Fox. Acts and Monuments, ad an. 1556, page 1763, &c.

[2] Our MS. Chron. Ch. XXXIX. has preſerved the names of two and forty of them.

ſhort,

ſhort, theſe ſtrangers ſo wrought, that they got poſſeſſion of the church of St. Helier, the town-church, where the Sieur de la Ripaudiere, a principal man among them, introduced their diſcipline, ordained elders and deacons, and giving notice of a ſolemn communion to be celebrated on a certain day, after their manner, drew multitudes from the other pariſhes to partake and join with them. Nor did this yet ſatisfy them. They prevailed with many of the chief inhabitants, and even of the magiſtrates (ſtill fearing a deſertion, and want of miniſters) to petition the Queen for leave to have all the other churches in the iſland modelled like unto St. Helier. This the Queen thought too much to grant. I am ſure it was a great deal too much for them to aſk. She therefore yielding only in part to their importunity, did limit and reſtrain her indulgence to the ſingle church of which they were already poſſeſſed; ſtrictly forbidding any change or innovation in the reſt, where ſhe would have the ſame order of ſervice which was ordained and ſet forth within her realm to be continued unalterably. And this her pleaſure ſhe ſignified by her council to the bailly and jurats, in the following letter. "After our very hearty commendations unto you; whereas the Queen's moſt excellent Majeſty underſtandeth, that the Iſles of Jerſey and Guernſey have anciently depended on the dioceſe of Conſtance, and that there be certain churches in the ſame dioceſe well reformed, agreeably throughout in doctrine as it is ſet forth in this realm: knowing therewith that you have a miniſter, who ever ſince his arrival in Jerſey, hath uſed the like order of preaching and adminiſtration as in the ſaid reformed churches, or as it is uſed in the French church at London: her Majeſty, for diverſe reſpects and conſiderations moving her Highneſs, is well pleaſed to admit the ſame order of preaching and adminiſtration to be continued at St. Helier's, as hath been hitherto accuſtomed by the ſaid miniſter. Provided always, that the reſidue of the pariſhes in the ſaid iſle ſhall diligently put apart all ſuperſtitions uſed in the ſaid dioceſe, and ſo continue there the order of ſervice ordained and ſet forth within this realm, with the injunctions neceſſary for that purpoſe; wherein you may not fail diligently to give your aid and aſſiſtance, as beſt may ſerve for the advancement of God's glory. And ſo fare you well. From Richmond the 7th day of Auguſt, anno. 1565. N. Bacon. Will. Northamp. R. Leceſter. Gul. Clynton. R. Rogers. Fr. Knols. William Cecil."

I am aſhamed to ſay how the Queen's gracious conceſſion was abuſed. The eſtabliſhment in the other churches, ſo expreſly fenced and guarded by her royal command, was daily undermined. The people were taught to diſlike in it, now one thing, and then another. By degrees the very native clergy ſuffered themſelves to be led away with prejudices againſt it, or perhaps to comply with what they could not help. So that in few years all church-order appointed by authority was ſubverted throughout the iſland.

iſland. The like was done in Guernſey, whither a duplicate of the ſame letter as above, *mutatis mutandis*, had been ſent to as little purpoſe. They who had it in their power, and whoſe duty it was, to have checkt theſe novelties, to wit, the governors in each iſland, St. Amias Paulet in Jerſey, and Sir Thomas Leighton in Guernſey, were the moſt forward to encourage them; whether out of principle, or affectation of popularity, or a mean view of ſelf-intereſt in the ſuppreſſion of the deanries[1], which of courſe muſt fall with the eſtabliſhment, I will not determine. Perhaps all theſe might concur together. And now every thing being ripe for a thorough change, and new laws for an eccleſiaſtical regimen, excluding epiſcopacy and liturgy, ready concerted and prepared, a ſynod of the miniſters and elders of all the iſlands was called to meet at the town of St. Peter Port in Guernſey; where, in preſence of both governors, thoſe laws received the ſanction which ſuch an aſſembly could give, and were ſet forth under this title; *police & diſcipline eccleſiaſtique des egliſes reformées dans les iſles de Jerſey et de Guernſey, Serk, et Oriny, arreſtées & conclues d'un commun accord par meſſieurs les gouverneurs des dites Iſles, et les miniſtres et anciens, aſſemblez au ſynode tenu à Guernſey, au nom de toutes les dites egliſes, le 28me jour du mois de Juin, l'an 1576*, i. e. "The eccleſiaſtical polity and diſcipline of the reformed churches in the iſlands of Jerſey and Guernſey, Serk, and Oriny, unanimouſly concluded and agreed upon by the governors of the ſaid iſlands, and the miniſters and elders, aſſembled at the ſynod held at Guernſey, in the name of all the ſaid churches, on the 28th day of the month of June, in the year 1576."

Thus were we drawn to depart from that union with the Church of England, which was our happineſs and our glory, to let in preſbytery; of which after a time we grew no leſs weary than we were fond of it before, as will be ſhewn by and by. There was then a faction in England, labouring to overthrow that primitive and beautiful order, which with great deliberation and wiſdom had been ſettled in the national church at its reformation from Popery. Nothing could pleaſe that party more, than to hear of what was done in theſe iſlands. It raiſed their hopes, and made them more inſolent. As with people embarked in the ſame cauſe, they muſt needs now open a correſpondence with us. To that end Cartwright and Snape, two fierce incendiaries, and noted leaders among them, were diſpatched hither; whom the governors entertained with great kindneſs, making the firſt chaplain of Cornet-Caſtle, and the other of Mont-Orgueil, to each of which poſts a competent ſalary was annexed. In what year preciſely they came, and how long they ſtaid, I cannot ſay. Mr. Strype finds Cartwright in Guern-

[1] The Deans had an allowance out of the tythes, which was a drawback upon the revenue. So much ſaving therefore there would be to the governors, by the ſuppreſſion of the deanries.

ſey in 1595 [r], and I find them both there at the holding of another ſynod in 1597, in which they ſate, and to which they ſubſcribed, at the head of all the miniſters, and next after the governors; Sir Anthony Paulet, ſon of Sir Amias, being then Governor of Jerſey. I make no queſtion but this ſecond meeting was brought about by the management of the two agents abovenamed, in order to form a league or aſſociation betwixt us and the Puritans in England, ſo that the polity and diſcipline might be the ſame both here and there. In this ſynod accordingly, held from the 11th to the 17th of October inclusive, it received farther ſanction, and was confirmed by new ſubſcriptions of the governors and all others preſent. It is digeſted into twenty chapters, and each chapter into ſeveral articles, but cannot come into this work without ſwelling it too much. Whoſo pleaſes, may conſult a tranſlation from the French in Dr. Heylin's Survey, with his annotations (as he calls them) thereon [s]. At the beginning of the great rebellion, when the faction renewed their attempts againſt the church, they cauſed the polity to be re-publiſhed, as the pattern they meant to go by in their intended reformation. One meets with this now and then in private hands, the title being a little altered, for there it runs thus: "the orders for eccleſiaſtical diſcipline, according to that which hath been practiſed ſince the reformation of the church in his Majeſty's dominions, by the ancient miniſters, elders, and deacons, of the Iſles of Garnſey, Jerſey, Sark, and Alderney; confirmed by the authority of the ſynode of the foreſaid iſles. London, printed in the year 1642."

It was a bold ſtep in the governors, not only to ſuffer thoſe unlawful aſſemblies, but to countenance every thing done therein by their preſence and their ſignature. I call them unlawful aſſemblies, becauſe they met, and enacted laws eccleſiaſtical, binding the ſubject, without the royal licence, nay directly contrary to her Majeſty's injunctions. And what ſeems more ſurprizing ſtill, is, that this ſhould be done under a Queen jealous almoſt to a fault of her authority, and who ever looked on thoſe new reformers as a turbulent ſet of men, dangerous to the ſtate no leſs than to the church, as in the event they proved. Would ſhe allow of that in theſe iſlands, which in other parts of her realm ſhe purſued with all the ſeverity of her laws? And yet ſo it is, that from thenceforth to the end of her reign, no marks occur or can be traced of her diſpleaſure at what was acted here; and the innovators went on as quietly in their work, as if they had got a warrant from her for all they did. Whence 'tis reaſonable to conclude, that the whole affair was artfully concealed and kept remote from her knowledge. She put

[r] Life of Archbiſhop Whitgift. Book IV. Ch. XIV. and Append. Numb. XXI.
[s] Chap. IV. An.

a ſpecial

a ſpecial truſt in the Paulets [1], and never ſuſpected them of remiſſneſs where they had power to make her obeyed, much leſs of being biaſſed by private and ſelfiſh views to prevaricate with her.

Well nigh thirty years had we thus ſtood broken off from the Church of England, when King James came to the crown. To whom it was moſt untruely, yet with an amazing aſſurance, ſuggeſted, that the diſcipline had been permitted and allowed to theſe iſlands by the Queen his predeceſſor. The ſupplicants therefore prayed to have the ſame confirmed by his Majeſty. The King had ſcarce been three months in England, when the petition was brought up. So that it looks like a deſign to prevent by the earlieſt application his being better informed, and learning the truth from ſome other hand. And though in the confirmation below, mention is made of the Lords of the Council, I cannot help thinking that the matter never came before them; their Lordſhips having in the council-books wherewith to confront that confident aſſertion of the Queen's unlimited indulgence, I mean their own letter to the bailly and jurats recited above. But the party never wanted a friend at court. Some body in place and credit helped them out on this occaſion, and procured a favourable anſwer to their addreſs, in the form following.

JAMES R.

JAMES by the grace of God King of England, Scotland, France, and Ireland, &c. Unto whom all theſe preſents ſhall concern, greeting. Whereas we ourſelves, and the Lords of our Council, have been given to underſtand, that it pleaſed God to put it into the heart of the late Queen, our moſt dear ſiſter, to permit and allow unto the Iſles of Jerſey, and Guernſey, parcel of our Dutchy of Normandy, the uſe of the government of the reformed churches in the ſaid Dutchy, whereof they have ſtood poſſeſſed until our coming to this Crown: for this cauſe, we, deſiring to follow the pious example of our ſaid ſiſter in this behalf, as well for the advancement of the glory of Almighty God, as for the edification of his church, do will and ordain, that our ſaid Iſles ſhall quietly enjoy their ſaid liberty, in the uſe of the eccleſiaſtical diſcipline there now eſtabliſhed; forbidding any one to give them any trouble or impeachment, as long as they contain themſelves in our obedience, and attempt not any thing againſt the pure and ſacred

[1] There cannot be a greater inſtance of this truſt, than her committing the unfortunate Queen of Scots to the keeping of Sir Amias Paulet.

word of God. Given at our Palace at Hampton-Court, the 8th day of Auguſt, An. Dom. 1603, and of our reign in England the Firſt.

This new grant (or confirmation) obtained upon a falſe allegation, muſt be void and null in the very nature of the thing. For is it not clear as the ſun, that the party had extended the Queen's favour beyond the bounds ſhe had ſet to it? She granted them one church, and they invaded them all. With what face could they tell her ſucceſſor, that ſhe had given way to the change they had made over the whole iſland? Is there not a great deal of obliquity in all this? However, ſuch was the lenity of thoſe times, that the thing was no farther inquired into; and they enjoyed the fruit of their guile and deceit to the death of the Paulets, and the coming of a new governor to Jerſey. This was Sir John Peyton [1], a gentleman no way diſpoſed to give up any point whereby that office ſhould be leſſened in power or income. By his patent he had all the benefices in the iſland, the deanry only excepted, left to his nomination. But here he found a diſcipline encroaching on that right, ſo as to reduce it in a manner to nothing. For though the colloquy [2] ſeemed willing upon occaſion to pay him a compliment as patron, yet in reality they bore themſelves as ſuch; refuſing to admit any for miniſter of a church, who had not a vocation, as they worded it, or call from themſelves; that is, who was not in effect of their own choice and election. Hence aroſe contention and ſtrife, both ſides ſtanding ſtifly on their ſeveral pretenſions. It came at length to paſs, upon vacancy of a church, that a native who had ſtudied at Oxford, and been epiſcopally ordained, applied for the living to the governor; who himſelf 'tis not unlikely ſet him on to aſk it, as foreſeeing that the colloquy, by having a perſon of that character put upon them, would be provoked to ſome extravagance, of which he well knew how to make advantage. And thus it proved. For they, ſtomaching and reſenting it

[1] Betwixt the Paulets and Sir John Peyton, came in Sir Walter Ralegh; but his government was ſo ſhort, that it may here be paſſed by.

[2] The better to carry on the diſcipline, there were three powers ſet up in ſubordination one to another. 1. The conſiſtory, that is to ſay, the miniſters, elders, and deacons of a ſingle pariſh, conſulting every Sunday, or occaſionally on any other day, about things relating to the church, with a more ſpecial eye to the manners and behaviour of the people within their diſtrict. 2. The colloquy, or aſſembly of all the miniſters and elders of one iſland, meeting together at four ſtated times in the year, in whom reſided the authority of giving impoſition of hands to propoſants, or candidates for the miniſtry. 3. The ſynod, or eccleſiaſtical legiſlature, having the direction over all; to be held alternately in Jerſey and Guernſey once in two years, or oftner if need were, by a deputation of miniſters and elders from the colloquies. In the colloquy of Guernſey the ſmaller iſlands were comprized.

as

as the higheſt breach that could be made in their diſcipline, would by no means be brought to acknowledge the preſentee as one lawfully called. So the matter was carried above, where their narrow uncharitable ſpirit ſufficiently expoſed them, and prepared the Lords of the council to have leſs regard to what ſhould afterwards come from that quarter.

This was not all: For they alſo embroiled themſelves with the civil juriſdiction, chiefly through the arbitrary proceedings of the conſiſtories, who would meddle in every buſineſs, pry into the ſecrets of families, and bring under their cenſures the ſmalleſt errors in the domeſtic life. Againſt ſuch vexations, the ſufferers implored the protection of the magiſtrate, and prohibitions went forth, to repreſs the petulancy of thoſe little parochial tribunals that aſſumed ſo much to themſelves. And when once the court ſhewed an inclination to look into thoſe matters, and to take the diſcipline down from its heights, complaints and accuſations ceaſed not to come in daily, in which the miniſters were not ſpared. A warm fellow brought in a charge againſt them of tyranny and hypocriſy. Hereupon the people were miſerably divided. For as the aggrieved were not few, ſo thoſe many elder, deacons, and under-inſtruments engaged in maintaining the diſcipline, made up a pretty large body. The better ſort of the inhabitants, ſeeing thoſe confuſions, and dreading the conſequences of them, began to bewail their departing from the wiſer and more moderate government of the church of England, and to caſt about how to retreat, and return to the ſame. They were now reconciled to epiſcopacy and liturgy, after trial of the inconveniences attending the way they had been in, and in purſuance of thoſe ſentiments drew up a repreſentation to be laid before the king and council. Both ſides making their appearance there by deputies, the diſciplinarians wanted not confidence to plead their cauſe, and to ſupport it with the beſt arguments they could deviſe. I omit what paſſed in thoſe debates; complaints, anſwers, replies, &c. which for a long ſpace took up the patience and attention of the moſt honourable board. Their lordſhips ſaw, that unleſs the miniſters were left to recover themſelves from their prejudices by length of time, and had ſome latitude allowed them in the uſe of the forms preſcribed for divine ſervice, they would infallibly run into a ſchiſm, and the people would be more divided than ever. This was by all means to be prevented, and nothing done that ſhould exaſperate. With great mildneſs therefore it was declared to them at the board, by the mouth of archbiſhop Abbot, "That for the reſtoring of peace and good order in the iſland, his majeſty found it neceſſary in the firſt place to revive the office of dean, and would appoint to it one from among themſelves

themſelves, who ſhould have inſtructions given him by way of interim [1], for his and their preſent conduct, till things could be more perfectly ſettled. That to attain to ſuch ſettlement, they were to go back to their reſpective charges, and confer with their brethren in the iſland, about compiling a new body of canons and conſtitutions, as near in conformity to the church of England as their laws and uſages, (to which his majeſty had no intention to derogate) would bear. That the liturgy, which had formerly been tranſlated into French for their uſe, ſhould again be ſent to them, yet without tying them to a ſtrict obſervance of every thing therein [2]; his majeſty having ſo good an opinion of their judgment, that he doubted not but the more they grew acquainted with the book, the better they would like it." This gentle diſmiſſion, without ſharpneſs, or angry reflections on what had paſſed, wrought the miniſters into a temper, and they went, and prepared a draught as they were enjoined. They had before them the canons of the church of England, and from thoſe they collected heads and materials for their work; not forgetting here and there a ſprinkling of their polity. But whereas they had been directed to adviſe with the civil magiſtrate, to the end there might be no clathing thereafter betwixt the two powers: this it ſeems was not done entirely to the ſatisfaction of the latter; who, therefore, when the miniſters went up with their ſcheme, followed it with exceptions. The king had commiſſioned the archbiſhop of Canterbury, Abbot, the lord keeper, Williams, biſhop of Lincoln, and the learned Andrews, biſhop of Wincheſter, to examine what the miniſters ſhould offer. Thoſe reverend prelates conſidered every article maturely. In the whole, ſome things they expunged, others they modified, and they filled up deficiencies. Briefly, all farther contradiction ceaſing, and the parties declaring their acceptance of the ſaid canons and conſtitutions in the form to which they were now brought, the ſame were laid before his majeſty, and received his royal aſſent June 30, in the year 1623, being the twenty-firſt of his reign. That by the length of them our narration may not be broken and interrupted, as in the former edition, I have removed them into the Appendix, Numb. XII.

[1] For pacifying the troubles of religion in Germany, the Emperor Charles V. did put forth certain articles, which he called an interim, to hold only until the determination of a general council. Sleidan Hiſt. lib. XX. ad an. 1548.—King James, who had read, and was learned, affected to give his inſtructions, which were but for a time, a like name. See the preamble to the canons.

[2] The interim diſpenſed with the three ceremonies ſo much controverted in England at that time, viz. the uſe of the ſurplice, the ſign of the croſs in baptiſm, and the adminiſtering of the Lord's ſupper to the people kneeling.

Thus

Thus did the church of England, like an indulgent mother, take us again into her boſom, after we had for half a century eſtranged ourſelves from her, and been under a preſbytery. But why (may ſome object) did not we upon ſuch our return, ſubmit to all her well-known rules and orders, without having particular canons made for us? Why this ſingularity? The reaſons are obvious enough from what has been ſaid already; nevertheleſs to clear the point ſtill farther, I will add, Firſt, that this was occaſioned through the neceſſity of complying with the laws and uſages of this iſland. For though in matters of faith, and inſtitutions of divine or apoſtolical appointmet, and in whatever elſe is held eſſential to an orthodox Chriſtian church, there cannot be too great an uniformity; yet in the outward face and habit of the ſame church, ſome things may not ſo well comport with the conſtitution of one country, as with that of another; and conſequently neither need, nor indeed ought, to be equally urged and inſiſted upon in all places. The canons of the church of England are accommodated to the laws of the kingdom, and both tally very juſtly together; whereas here, they would have met with ſtubborn old cuſtoms, apt at every foot to jar and contend with them, ſo that the peace fought by our return to the church, muſt have been as diſtant from us as before. In one word, we think not our ſelves the leſs of the church of England, becauſe of ſome variations in matters of mere circumſtance only. Again, Secondly, the danger which threatened us of a ſchiſm (through the obſtinate adhering of ſome to the diſcipline, and the going back of others to the church) required to have things ſo moderated and attempered, that all might be brought to unite if poſſible in one common ſyſtem; and for that end theſe canons were given us, and were framed with great condeſcenſion to the troubled ſtate we then were in. Nothing juſtifies the wiſdom of any meaſures like ſucceſs. And ſo it very happily proved in our caſe. For the canons were well received in the iſland, and the end was attained for which they were deſigned. The miniſters, who had the firſt drawing of them up (and no ſmall point of wiſdom it was to charge the miniſters with that work) could not conſiſtently with themſelves, after the advances they had made, do otherwiſe than ſet an example of conformity to the people. Hence it came, that the churches thronged with the ſame numbers as uſual. No ſeparate congregations were gathered in oppoſition to the public worſhip, nor from that day to this has there been a conventicle in the iſland. Here may be ſeen four or five hundred orderly communicants at the ſacrament at a time, even in country churches. 'Tis true that the interim diſpenſing with genuflexion, the communicants for a while remained in a ſtanding poſture during the action, but now all receive reverently upon their knees. To finiſh this argument, a perfect harmony and unanimity in religion reigns amongſt our people. If they are not ſo happy as to be entirely free from diſputes about other affairs

affairs, they have at leaſt the comfort of " walking together into the houſe of God as friends [1]."

There had been no dean in Jerſey ſince Paulet [2] the laſt Popiſh one in Queen Mary's time. That office being now revived, was conferred on the reverend Mr. David Bandinel [3], recommended by archbiſhop Abbot, who took early notice of him, and diſtinguiſhed him from among the other deputies negotiating for their brethren at the council-board. The archbiſhop was too good a man, to have employed himſelf for one that had not abilities to ſuſtain that office with dignity; and the character which Doctor Heylin [4] gives of Dean Bandinel, from the acquaintance he contracted with him in the iſland in the year 1628, confirms very advantageouſly the archbiſhop's opinion of him. Now as the bailly here is at the head of the civil, in like manner is the dean at the head of the ſpiritual juriſdiction; and as one has the jurats for his aſſeſſors, ſo has the other the miniſters; to wit thoſe who are rectors of the churches, not mere auxiliaries or lecturers only. And thus the conſtitution of the two courts is very much alike, the inſtituted miniſters coming in for a participation of the eccleſiaſtical regimen. They had the whole among them, whilſt their colloquy and preſbyterian parity ſubſiſted; and it was thought reaſonable to reſerve them a ſhare in conjunction with the dean, for the better keeping up the credit of their function. This, together with the right of entrance into the aſſembly of the ſtates, gives the rector of a pariſh greater weight here, and makes him more conſidered, than one in England having five or ſix times his preferment. There ſeems alſo ſomething primitive in this partnerſhip of church power. 'Tis an imitation of thoſe ancient councils of prieſts, whom the biſhop took to ſit with him in his conſiſtory, and aſſiſt him in judging cauſes brought before him. Two or three miniſters with the dean, or vice-dean, ſuffice to hold a court; but as many as

[1] Pſal. LV. 15.

[2] He was brother of Sir Hugh Paulet, and as zealous for Popery as the other was for the Reformation, though in a wrong manner.

[3] This reverend perſon has left a worthy poſterity amongſt us. His grandſon of the ſame name with him, David Bandinel, Eſq. Seigneur de Bagot, was a man in whom this iſland might juſtly glory. A man of moſt ſingular prudence and addreſs in all affairs and concernments of life. Many years he ſate on the bench of juſtice, with great honour to himſelf, and no leſs benefit to the public, through thoſe moderate and healing counſels which he always purſued, and which he had a peculiar art and faculty of inſinuating into others. Indeed the peace of the country ſeems to have died and expired with him. He was my guardian in my nonage, and I had ſo many obligations to him otherwiſe, that 'tis the leaſt thing I can do, upon this occaſion of mentioning his anceſtor, to conſecrate theſe few lines to his memory

[4] Survey, Ch. VI. page 386.

pleaſe

pleaſe may come, and the opinion is to be taken of all that are preſent. This court keeps the ſame terms with the civil, but ordinarily ſits only upon Mondays, and has belonging to it a greffier or regiſter, two advocates or proctors, with an apparitor and others to execute its ſummons. For the reſt, let the canons in the Appendix be conſulted. One thing however I may not paſs unobſerved, becauſe 'tis part of our privileges, viz. That when an appeal goes from this court to the biſhop of Wincheſter, as ſuperior ordinary, or (in caſe of the vacancy of that ſee) to the archbiſhop of Canterbury, thoſe prelates are to hear and determine the ſame in their own proper perſons, and not ſend us to ſubſtituted judges or officials, on whom we in no wiſe depend. Their ſentence moreover muſt be final, freeing us from the trouble and expence of farther proceedings before delegates.

The number of the beneficed clergy, or incumbents, including the dean [1], is juſt equal to that of the pariſhes. And ſo populous are theſe, that a miniſter, exerting himſelf with diligence and fidelity, will always find abundant employment in the care of one only. Therefore our canons abſolutely forbid pluralities, albeit the ſmallneſs of the livings (were that principally to be regarded) might render the ſame as juſtifiable here, at the leaſt, as where law and cuſtom allow of them. Moſt certainly the proviſion for the clergy in this iſland is no way adequate to their labours. The ſame canons which tye them down to a ſingle living, oblige them to conſtant duty in the pulpit twice every Lord's-day, not to ſpeak of their contingent weekly work. Will it be permitted me to ſay, that even their happineſs in being univerſally owned and followed by their people, increaſes their burthen? whilſt in England the rejecting all ſervice and aſſiſtance of the pariſh-miniſter by diſſenters, brings him eaſe, though not ſuch as a good man would make his choice. Much of their time is taken up in viſiting their ſick; who more earneſtly than I have obſerved in other places, deſire the company and conſolations of their miniſter in an hour of trouble and affliction. I omit many things of the like nature. And now what encouragement have they to bear them up under all this? I ſpeak of worldly encouragement. For as to the inward ſatisfaction ſpringing up within their own minds from a conſcientious diſcharge of their duty, 'tis what will conſiſt with any outward ſtate and condition. Their dividend out of the tythes, according to the extract from the black book of Coutance inſerted above, is mean and inſuf-

[1] The deanry is not a thing at large, as ſome dignities in Englend. Ever ſince its being revived a cure has conſtantly gone along with it; whereby the dean is as much obliged to reſide, and to labour, as the meaneſt of his brethren.

ficient, and ſome of them have no title even to that. Their novals[1], more commonly called deſerts, which are the tythes of ſmall parcels of land not yet broken up when the alienations were firſt made in favour of the monaſteries, but ſince brought under culture, are inconſiderable, and ſtill become more ſo by the encroachments of the under farmers of the king's revenue. The governors would have ſwallowed them up all at once, had they not been reſtrained by a decretory letter of the privy council, June ult. 1608. Thoſe profits and emoluments called ſurplice-fees in England, are things for the moſt part unknown here, and I believe were formerly dropped by the miniſters themſelves in pure averſion to the name. Their beſt income at this day ariſes from the improvement of fruit-trees for cyder, which is a maintenance very caſual and uncertain, all years not being equally productive, nor every pariſh planted alike. Again, here they are fixed for life, quite out of the way and road of preferment. If ſometimes they ſeek to be removed from one benefice to another within the iſland (for two together they cannot hold) 'tis oftner for reaſons of convenience, than of advantage; the difference in the value of the ſaid benefices not being ſo great, as to make them much gainers by the change. The deanry is the only thing they can have in their eye to animate them, and to flatter their hopes. But beſides that one only can have it, in a ſucceſſion of perhaps many years, a cruel attempt was lately made to bring in a French proſelyte, a perſon unqualified, over all their heads, to the creating a precedent that muſt have taken away all heart and courage from them. I know but one particular wherein they are a little eaſed in point of intereſt, which is, that inſtead of being themſelves at the charge of keeping up their preſbyteres, as the Engliſh clergy are their parſonage and vicarage-houſes, the ſame falls on the reſpective pariſhes; but there muſt be no neglect on their part to preſerve thoſe manſes from the injuries of the weather.

Such is the temporal ſtate of the clergy here, of which ſome account ſeemed neceſſary, in order to ſhew the reaſonableneſs of giving them better encouragement, if poſſibly a way may be found to effect it. And why ſhould we deſpair of it, knowing what

[1] In the old Latin writers de re ruſtica, Novalia (in the plural) ſignify lands newly ploughed, whether the ſame were never ploughed in former time, or are ploughed after having been only laid fallow and at reſt ſome years. Here, by novals we mean, not lands, but tythes; and them not of the latter, but of the firſt ſort of lands. Therefore called alſo deſerts, becauſe they are tythes of lands once wholly neglected and uncultivated. Thus (for example) ſuppoſing the practice of this iſland to run in England, wood-land, grubbed or ſtocked up, and never known to have borne corn before, would pay tythe to the vicar, and not to the impropriator.——NOVALE, Terre nouvellement defrichée, & miſe en valeur,——Cette Terre n'eſt pas de la groſſe Diſme, c'eſt une Novale. Les Novale appartiennent aux Curez, par preference aux Gros Decimateurs. Furetiere Diction.

at

at this very time is doing in England? where, what through the beneficence of the late Queen Anne, of pious and religious no leſs than triumphant memory, in giving up her revenue of the firſt fruits and tenths for a perpetual fund of charity to the more indigent clergy; what through the generoſity of not a few worthy owners of impropriations, in augmenting ſmall vicarages with a portion of the great tythes or a penſion in money; many poor incumbents have already been in ſome meaſure relieved, and a proſpect is opened for others to hope for the like ſuccour and aſſiſtance in their turn. By rules and orders declaratory of her majeſty's gracious intention [1], every living in England the real value whereof does not exceed fifty pounds per annum, is reputed poor, and entitled to the royal bounty. Now it may eaſily be made to appear, that all the livings in this iſland, rated one with another, fall conſiderably ſhort of that ſum. Which I do not mention by way of complaint for our being left out of that charity. I am ſenſible we had no claim to it, neither therefore did we uſe any endeavours to be comprehended in it. I urge it only for proof of the inſufficiency of ſuch a yearly income, for the ſupport and encouragement of one who has devoted himſelf and the labours of his whole life to the ſervice of religion, and the cure of ſouls, ſeeing it has been ſo judged and declared in England. Nay, I will venture farther, and be bold to affirm, that in true conſtruction and eſtimation of things, a living of no greater value is really poorer here than in England, inaſmuch as it muſt ever go ſingle, by the canon againſt pluralities. But though the queen's bounty reſpects us not directly, it may be of great benefit and advantage to us, by ſetting a noble example to ſucceeding princes of goodneſs and compaſſion towards a ſuffering clergy. And as we of theſe iſlands are more intimately attached to and dependant on the crown than others of its ſubjects, ſo I truſt we may preſume on ſuitable returns of grace and favour from it. It was doubtleſs a moſt fatal error at the diſſolution of monaſteries, to confound the tythes originally belonging to pariſh churches, and afterwards by papal authority appropriated to thoſe houſes, to confound them (I ſay) with other ſuperfluous and ſuperſtitious endowments, and ſo ſecularize all together. Surely a diſtinction ought to have been made, being things of a very different nature. And indeed nothing has caſt a greater reproach on the reformation, and given its enemies a more ſpecious handle to charge it with the guilt of ſacrilege, than that unhappy tranſaction. 'Tis an evil now paſt remedy, unleſs from the voluntary benefaction of the preſent poſſeſſors of thoſe tythes; many of whom (it muſt be gratefully acknowledged) convinced of the iniquity of the thing, and pitying the impove-

[1] See Mr. Ecton's State of the Proceedings of the Corporation of the Governors of the Bounty of Queen Anne. Lond. 1721.

riſhed churches, have thought themſelves bound to make ſome reſtitution. In doing whereof, as they have exonerated their conſciences in proportion to their liberality, ſo have they wiſely conſulted their temporal intereſt; if there be truth in the obſervation, that no eſtate ever proſpered that was got out of things conſecrated to God, no not though the things had been abuſed to ſuperſtition, becauſe it was poſſible to convert them to better purpoſes. The religious houſes in Normandy being out of the reach of Henry VIII. the great deſtroyer of ſuch in England, all he could do was to ſeize on what they held here; which accordingly he did, and, together with the reſt, the tythes of the pariſhes. Theſe tythes are ſtill in the crown, whereas in England they were generally and moſt profuſely ſquandered away among favourites and courtiers. Queen Elizabeth at her acceſſion found ſome yet undiſpoſed of, which (ſays Biſhop Kennet [1]) ſhe was aſhamed to keep, and therefore made haſte to exchange them for manours and lands of vacant biſhopricks [2]; as perhaps thinking it a leſs evil to take the latter into her hands, than to increaſe her revenue with the portion of the prieſt ſerving at the altar. And ſo (as far as I can find) the crown had quite rid itſelf of thoſe tythes, except in theſe iſlands, where it retains the property of them, and the governors enjoy them in part of their ſalary, which is only a temporary right, ceaſing at the expiration of their office by death or removal. And no doubt 'tis much better for us that the ſaid tythes have continued in the crown, than if they had been made lay-fees, as in England; there being more reaſon to hope for commiſeration to the clergy from a great and magnanimous king or queen, than from ſubjects and private perſons, often of narrow tempers, and unfriendly to the church. And here it can be no offence to point to ſome ways and means for bettering the condition of the clergy in this iſland, by the bounty and largeſs of the crown. The firſt, and moſt beneficient, would be to reinſtate them in the full tythes, their ancient patrimony, wreſted from them by Popiſh uſurpations. All which though it may ſeem much to give back at this day, is well known to be no more than what ſome choice and noble ſpirits [3] have done in England, to their great honour, and (I dare ſay) the peace and quiet of their minds. The ſecond, not coming up to the former, yet ſtill an act of grace

[1] The caſe of impropriations, and of the augmentation of vicarages, ſtated by hiſtory and law, from the firſt uſurpation of the Popes and Monks, &c. Lond. 1704. In handling the preſent argument about tythes impropriate, I have had this moſt uſeful book always before me; and wiſh the reader would take it likewiſe along with him, as he goes over this paragraph.

[2] Concerning that exchange, See Mr. Strype's Annals of the Reformation during the firſt twelve years of Queen Elizabeth, ch. vi. and his Life of Archbiſhop Parker, book i. ch. ix.

[3] See the names of ſeveral of thoſe excellent perſons in Biſhop Kennet's Caſe of Impropriations, pag. 223. and in other parts of that work.

and

and goodneſs, would be, to grant to each incumbent a leaſe of the tythes of his pariſh, under ſuch covenants [1], as to leave room for him to make ſome advantage of them in letting them out again to his pariſhioners. By the benefit of ſuch leaſes, the poor clergy in Ireland (the tythes of whoſe churches were, as here, in the crown) got relief, and had a more comfortable proviſion made for them, in the reign of the bleſſed Martyr King Charles I. at the intreaty and joint ſollicitation of the incomparable Primate Uſher, and Biſhop Laud, then of London. And this is a very good example; for a fuller account whereof I refer to the King's order thereupon to the Lords Juſtices of that kingdom, ſet down at length among the notes underneath [2]. The third, and loweſt,

[1] In the new extent or rental of the King's revenue, made an. 1668, the yearly value of the impropriate tythes in the crown is declared and aſcertained. The clergy would be well contented to have them demiſed to them upon thoſe terms, and the revenue would ſuffer no diminution.

[2] Right truſty and well-beloved couſins and counſellors we greet you well. Whereas our late dear father of bleſſed memory, did (by his inſtructions for the good and wellfare of holy church in our realm of Ireland) ordain and command, that all ſuch impropriate parſonages as were his own inheritance, and held by leaſe from the crown, ever as the ſaid leaſes expired, ſhould be thenceforth let to the ſeveral curates and miniſters of all ſuch churches, that were to attend the cure of ſouls, and from time to time ſhould be incumbent upon the ſeveral parſonages, they ſecuring his Majeſty the rents, duties, and ſervices reſerved upon ſuch leaſes; which order we alſo out of our own like zeal to God's glory, and advancement of true religion, have likewiſe heretofore confirmed by our royal letters of the 8th of July, 1626; all which notwithſtanding, we are now to our great diſpleaſure informed, that ſince the giving of our ſaid father's letters, and our own, ſundry leaſes of tythes, upon expiration, ſurrender, or otherwiſe, have been again let to laymen, and not to the incumbents of the ſaid churches, to the wrong of our religion, and breach of our commandment, whereof we ſhall not fail to take account in time convenient. But for your better aſſurance of ſuch our pious and princely grant unto the church of that our realm in time to come, we have thought good to declare, and by theſe our letters do declare unto you, that our princely will and pleaſure is, for us, our heirs and ſucceſſors, to give and grant the reverſion of all ſuch reſervations as formerly have been expreſſed irrevocably unto Almighty God, and to the particular churches within that our kingdom unto which ſuch tythes did anciently belong, and to the ſeveral incumbents which ſhall happen to be in the ſaid churches when ſuch leaſes ſhall expire, or be otherwiſe determined, and to their ſucceſſors for ever; giving hereby the ſeveral incumbents, and their ſucceſſors, which ſhall be when it ſhall happen the ſaid leaſes to expire, or otherwiſe to determine, full power to enter into poſſeſſion of the whole tythes; paying only unto us, our heirs and ſucceſſors, ſuch rents, duties, and ſervices, as are now payable out of the ſame reſpectively; and charging our officers of our exchequer in that kingdom, to receive the ſame in ſuch manner and form as now they are received, without any further charge or exaction upon the ſaid incumbents. And for the effecting this our godly purpoſe and princely donation, we do hereby authorize and require you, that upon the ſight hereof, you, by the advice of our learned counſel there, do forthwith make out under the great ſeal of that our kingdom, ſuch grant and grants, as ſhall be neceſſary and requiſite for the ſettling and eſtabliſhing of all ſuch impropriate benefices upon the corporation of Dublin, or Londonderry, within that our kingdom, as ſhall be moſt convenient and available for the church, to the uſe of the ſaid incumbents, and their ſucceſſors for ever. And our further expreſs will and pleaſure is, that whenſoever it ſhall happen the ſaid leaſes, or any of them now in being, to determine, you or our juſtices for the

loweſt, and perhaps more feaſible way, would be, to charge the tythes with an annual augmentation to the livings, in like manner as is practiſed in England in the caſe of ſmall vicarages, by charitable patrons and impropriators; numbers of whom, both of the laity and others, have done very honourably in this particular, and have helped out many a depauperated cure [1]. Now the crown being both patron and impropriator here, 'tis ſo reaſonable for us to hope for the ſame favour (I had almoſt ſaid juſtice) from it, that when I look back to times paſt, and call to remembrance how good and gracious our Princes have ever been to us, in how many much greater inſtances they have diſplayed their royal munificence towards us, I cannot but think 'tis owing purely to our own indolence, and neglect of due application to the throne, that the thing has not been done before now. I am well aſſured that leſs than the yearly ſum of two hundred pounds, given in this way of augmentation, and parcelled out among the clergy here, in proportion to the greater or leſs value of the livings, would be received with the utmoſt thankfulneſs. And if it be ſaid, that ſuch a ſubſtraction from the tythes would break in upon the governor's patent, which lays claim to the whole, I anſwer, that 'tis not pretended this benefaction ſhould take place during the life of the poſſeſſor, but only from the paſſing of a new grant to the next in nomination to that office. For then the crown being diſengaged, would be at liberty and have it in its power to make what reſervation it thought fit out of the revenue; which being turned into an augmentation to the clergy, the crown would thereby part with nothing but what went from it before another way. Such reſervations have been very uſual with us, inſomuch that when Sir Walter Ralegh himſelf had the government given him by Queen Elizabeth, ſhe ſtruck off three hundred pounds a year from it [2], which ſhe took into her own diſpoſal, and

the time being, or other deputy, chief governor, or governors, that ſhall be hereafter, ſhall hereby be enabled to preſent the then incumbent unto the ſame church, by the title of the full rectory thereof, as unto other churches of our patronage: reſerving as aforeſaid the rents, duties, and ſervices formerly reſerved unto us. And theſe our letters, &c. [From the Paper-Office.]

[1] What in England goes by the name of augmentation, is in France called Portion congrûe, and depends not on the liberality of him or them who have the Groſſe Diſme, but is ſettled by royal edicts, and the quantum fixed at three hundred livres per annum. This, ſuperadded to other various perquiſites, affords the meaneſt Curé de Village, i. e. Country-Vicar, a ſubſiſtence beyond the ſcanty lot of many a worthy Miniſter of the Church of England. One muſt therefore make a great abatement of what Biſhop Burnet ſays of the poverty and wretchedneſs of the parochial clergy abroad, in the Introduction to the third Volume of his Hiſtory of the Reformation, page XV. But 'tis not yet forgot what temper the Biſhop was in, and what ends he meant to ſerve, when he ſo haſtily ſent that Introduction, and the new Preface to the third edition of his Paſtoral Care, to the Preſs.

[2] Apud Rymer Foed. Tom. XVI. pages 398——400.——Volumus nihilominus, et per Præſentes reſervamus Nobis, Hæredibus, & Succeſſoribus noſtris, durante totâ vitâ ipſius Walteri, pro & ex Cuſtumis dictæ Inſulæ,

and made that great man, ſo renowned for his eminent ſervices to her and the whole nation, be contented with the remainder.

It may be expected that I ſhould take notice how the churches here are ſupplied and recruited upon vancies. At the beginning of our reformation, and all the while we lay under a preſbytery, nay even ſince that time, the youths of this iſland deſigned for the miniſtry were ſent to ſtudy among the Proteſtants in France, and particularly at Saumur, after the famous du Pleſſis Mornay had brought profeſſors to teach academical learning in that town, of which Henry IV. had made him governor. Thoſe our young countrymen being to preach in French, it ſeemed moſt ſuitable to have them educated in a place, where by hearing that language ſpoken in its purity, they would be inabled at their return to the iſland to appear in the pulpit with greater advantage. But thence aroſe an inconvenience for which no refinements of language could make amends, namely, their being trained up in foreign ſyſtems, and taking a tincture of principles and opinions not altogether conſiſtent with thoſe of the Church of England. When therefore the gentlemen of the iſland attended the council-board about our re-union to the ſaid church, the King was humbly moved to allow ſome places in one of his univerſities to the benefit of the ſame young perſons, to the end that the hope and expectance thereof might draw them thither, and they by that means have their ſtudies put under a better direction. The thing was more readily promiſed than it could be executed. Such places were to be founded on purpoſe, and the court ſhewed no haſte to go about it. In ſhort, all was at a ſtand till Archbiſhop Laud came into power, whoſe large and active ſoul embraced and took in the care of all the churches. It happened very providentially, that a good eſtate, conſiſting of houſes in London and lands in

Inſulæ, Reventionibus, Proficuis, & Emolumentis, cæteriſque omnibus & ſingulis Præmiſſis præconceſſis, annualem redditum trecentarum librarum legalis monetæ Angliæ, ſolvendum annuatim per præfatum Walterum Ralegh, Nobis, Hæredibus, & Succeſſoribus noſtris, ad duos anni terminos uſuales; videlicet ad Feſta Sancti Michaelis Archangeli, & Annunciationis Beatæ Mariæ Virginis per æquales portiones, ad receptam Scaccarij noſtri, Hæredum, & Succeſſorum noſtrorum: Proviſo ſemper, quod ſi prædictus annualis redditus, aut aliqua indè parcella, Nobis, Hæredibus, & Succeſſoribus noſtris, per Præſentes reſervatus, a retrò fuerit & inſolutus, in parte vel in toto, per ſpatium quadraginta dierum poſt aliquod Feſtum Feſtorum prædictorum in quo ſolvi debeat, tunc quotieſcunque Theſaurarius noſter Angliæ, vel Subtheſaurarius Scaccarij noſtri prædicti, pro tempore exiſtentes, aut eorum aliquis, notitiam inde dederint vel dederit dicto Waltero, aut ſuo Deputato prædicto, ſi prædictus annualis redditus, aut aliqua inde parcella, Nobis, Hæredibus, & Succeſſoribus noſtris, a retrò fuerit & inſolutus per ſpatium triginta dierum poſt aliquam notitiam ſic ut præfertur datam, ex tunc hæ Litteræ noſtræ Patentes, & omnes Auctoritates, Jurisdictiones, Res, & Conceſſiones in eiſdem contentæ, vacuæ erunt, & nullius in lege vigoris, aliquo in Præſentibus non obſtante; Eo quod expreſſa mentio, &c.——In cujus rei, &c.——Teſte Reginâ apud Weſtmonaſterium viceſimo ſexto die Auguſti, An. 1600.——Per ipſam Reginam.

Bucking-

Buckinghamſhire eſcheated to the crown. The Archbiſhop laid hold of the opportunity, and, preventing the courtiers, got a grant of it from King Charles I. for the endowing of three fellowſhips in Oxford [1], for the Iſlands of Jerſey and Guernſey, to be held by them alternately; the alternation to proceed in this order, viz. that on which ſoever of the two iſlands the election of two Fellows ſhould chance fall firſt (as it muſt of neceſſity be) the other iſland ſhould come in for the two next turns, and ſo on in a continual rotation for ever [2]. It was withal provided, and declared to be the good King's intention, that after a competent time ſpent in the Univerſity, the ſaid Fellows ſhould go back to the iſlands, *ibidem Deo ſervituri*, i. e. there to ſerve God in the work of the miniſtry [3]. None therefore but they who from the beginning deſign to enter into holy orders, are regularly eligible into thoſe places. 'Tis an abuſe, and a contradiction to the will of the royal founder, that any ſhould enjoy them, who have in view and are in purſuit of other profeſſions. To thoſe three fellowſhips there have been ſince added five exhibitions or ſcholarſhips in Pembroke-College, each of twelve pounds per annum; not alternating as the former, but ſo divided and proportioned betwixt the two iſlands, as that Jerſey being the biggeſt has three of thoſe ſcholarſhips allotted to it, and Guernſey which is leſs has only two. Theſe were given by that moſt pious and public-ſpirited prelate, our honoured dioceſan, Biſhop Morley, upon his taking into ſerious conſideration, that the inhabitants of theſe iſlands have not thoſe advantages and encouragements for the education of their children, which on their behalf are deſirable, and which others of his Majeſty's ſubjects do enjoy, as 'tis expreſſed in the inſtrument of donation [4]; wherein alſo are much the ſame limitations as in the King's grant, which therefore I ſhall not repeat. Now thoſe endowments have ſo far operated, and done good, that our ſtudents have generally ever ſince taken their learning in Oxford, and conſequently been there ſeaſoned and principled like others of the Engliſh clergy. None go

[1] Viz. one in each of the three Colleges of Exeter, Jeſus, and Pembroke.

[2] Volumus—— Quinto, ſi prima Electio de duobus ex Inſulâ de Gernſey, ac de uno tantum ex Inſulâ de Jerſey, aut è contrario acciderit, quod tunc proxima Electio facta fuerit de duobus ex illâ Inſulâ de quâ unus tantum ſic primo eligi contigerit, ac eodem modo alternis vicibus hujuſmodi Electiones factæ fuerint in perpetuum.—— The two firſt elected for Jerſey were Mr. Poindextre, whoſe name ſo often occurs in this work, and Mr. Brevint, mentioned in the Introduction; both turned out of their fellowſhips for their loyalty, by the Parliament-viſitors in the year 1647. See Dr. Walker's account of the ſufferings of the clergy, &c. Part II. page 116 and 120.

[3] Intentio noſtra eſt Regia, ac ſic per Præſentes declaramus, quod infra tempus conveniens, prædicti Socij vel Scholares eorundem ſeperalium Collegiorum reſpective, ad ſeperales Inſulas prælictas reſpective, ſuper promotiones idoneas eis oblatas ibidem Deo ſervituri revertantur.

[4] An indenture tripartite betwixt the ſaid Biſhop, the Dean and Chapter of Chriſt-Church, Oxon, and the Maſter of Pembroke College.

now

now to outlandiſh ſchools, and thoſe miniſters with us who had been diſciples of Gomarus [1], Cameron, and other profeſſors of Saumur, as long ſince extinct. But then on the other hand it has too often happened, that when the ſame young gentlemen have by the benefit of thoſe endowments attained to a capacity of ſerving their country, they have declined that ſervice, deterred and diſheartened at the ſmallneſs of the preferment waiting their return home. They have choſe to remain in England, hoping for ſomewhat better there; and ſo have made room for ſtrangers, French refugees, of whom we are never without ſome among the native inſtituted clergy, beſides thoſe who are taken in as ſecondaries and aſſiſtants. Thus has the end of thoſe endowments been in great meaſure fruſtrated and defeated, nor will it or can it be otherwiſe, untill it ſhall pleaſe the crown to raiſe the livings here to what may reaſonably be deemed a ſufficiency, in one or other of thoſe ways which I have taken leave to indicate in the foregoing paragraph. Some years before theſe foundations by King Charles I. and Biſhop Morley, a plain honeſt man of the iſland had given two and thirty quarters of wheat-rent to the ſame good purpoſes, on ſpecial condition that only ſuch poor ſcholars as ſhewed a towardlineſs and diſpoſition for learning, whilſt they wanted means to ſupport the charge of going to the Univerſity, ſhould come in for the whole or a ſhare of that charity. This is what we call *le don de Laurens Baudains.* And as for thoſe firſt rudiments which muſt prepare and fit a lad for the college, we have two free-grammar ſchools, indifferently well rented, and ſo ſeated in compliance to the oblong figure of the iſland, that each ſerves commodiouſly enough for the children of ſix pariſhes. To the eaſt, and in St. Saviour's pariſh, is the ſchool of Saint Magloire, taking its name from the apoſtle of the iſland; to the weſt, and in St. Peter's, is that of Saint Athanaſe, or (which I think trueſt) Saint Anaſtaſe. Theſe are wholly under the direction and government of the Dean and Miniſters, with abſolute excluſion of all others whomſoever; for which the founders Neel and Tehy, (the firſt, Dean of Prince Arthur's chapel; the other, a merchant in Southampton, but both originally of the iſland) got a patent from King Henry VII. By ſecreting that patent, the clergy were for ſeveral years kept out of this right, nor could they recover it but by an appeal above, where an atteſted copy from the rolls ſoon decided the matter in their favour. And to obviate a like attempt for the future, I am deſired to print the ſaid patent among the other records in the Appendix, Numb. XIII. It may ſeem a trivial remark, which nevertheleſs I cannot forbear making, viz. That here, even among the meaner ſort of people of either ſex, there are few but can read and write, fewer indeed than are commonly ſeen elſewhere.

[1] From Saumur, Gomarus was called to the Divinity-Chair at Leyden in Holland, where he became the leader and prime champion of the rigid predeſtinarians.

Nothing is more wanted in this iſland than a public library, the place being out of all commerce of the learned world, and the clergy through the meanneſs of their income under a diſability of laying out much money upon books. And ſuch a library ſhould not (I think) be ſolely appropriated to the clergy, but free and open to the better ſort at leaſt of the laity, and be furniſhed accordingly. Reading would give our gentlemen juſter notions of things, enlarge their minds, and render them more uſeful and ſerviceable to their country. There is already ſome advance made towards this, by the promiſe of more than two thouſand volumes in moſt kinds of good literature, the execution of which promiſe is only ſuſpended till a convenient place can be provided for the reception of the books.

Concerning the churches here, their antiquity, their ſtrength and ſtability, ſomething has been ſpoken already. They are gothic ſtructures, large and capacious, and ſo they need be to contain the people reſorting to them. Moſt of them have lofty ſtone ſpires, whoſe height added to that of the land, has once or twice in my time expoſed them to be ſtruck and their tops thrown down by lightning. Thrown down, I ſay, not burnt, as ſpires of timber caſed with lead are liable to be, to the deſtruction of the whole pile, if the flame be not kept from gaining the roof below. Here, the roof of thoſe fabricks is a ſolid arch or vault of ſtone, without a ſtick of wood employed therein, the outward cover of blue ſlate being laid immediately upon the ſtonework, in a bed of ſtrong cement or mortar. This was the Norman way of building churches ſix or ſeven hundred years ago, and a good defence it is againſt fire and decays by time. But ſuch places are ſubject to damps, ſticking to and diſcolouring the inſide of the walls, which for that reaſon require frequent waſhing and whitening, to keep them neat and clean. Herein I muſt own we are too negligent, as well as too ſparing in ſuch farther ornaments as would well become places where we believe God vouchſaves his ſpecial preſence, and meets his people to receive their prayers and to bleſs them. And yet there is in every pariſh a fund for that very purpoſe, thence called *le Treſor de l'Egliſe*, i. e. the treaſure of the church, conſiſting of ſeveral quarters of wheat-rents given anciently by pious perſons for the uſe of thoſe ſacred fabricks. But an ill cuſtom has prevailed, to make this fund (ſo far as it will go) anſwer all the calls of public ſervice and expence, even the moſt ſecular and foreign to religion. I am unwilling to charge ſuch a miſapplication with ſacrilege, but how it can be ſtrictly juſtified, or conſtrued to conſiſt with the intention of the donors, I profeſs I do not underſtand [1]. This treaſure of the church remembers

[1] The learned Mr. Poindextre's judgment concerning this practice, does by no means favour it, though he allows of caſes of great and preſent neceſſity. For thus I find him delivering himſelf in ſome of his papers.

Je

remembers me of another, viz. *le Treſors des Pauvers*, i. e. the treaſure of the poor, ſometimes called ſimply *la Charité*. It is conſtituted like the former, but more fairly adminiſtered. Beſides it, there is *la Boéte*, i. e. the poor's box, held by a Deacon at the church door every Lord's Day after divine ſervice, whereinto well-diſpoſed perſons, as they go out, caſt their offerings; an uſage not unfit to be retained, though firſt introduced by thoſe French reformers of whom mention is made above, who alſo brought in the name and office of Lay-Deacons, yet ſubſiſting with us. Add to this *le Tronc*, which is a wooden engine ſtrengthened with irons, faſtened to the wall of the church without, having a cavity at top, and a ſlit or fiſſure juſt big enough to admit of a crown-piece to paſs through, the head (wherein the cavity is) made to open and ſhut under the ſecurity of ſtrong locks and keys. The uſe of this is for the private conveyance of alms which the giver would have known only to God, the inviſible witneſs and rewarder of every good work done in ſecret[1]; and 'tis ſeldom but at the opening there is money found, in greater or leſs quantities. By theſe and other means, ſuch relief is laid in for the poor, as ſuperſedes the neceſſity of recurring to pariſh-rates and aſſeſſments, unleſs in times of extreme ſcarceneſs and failure of the fruits of the earth, a calamity which through the good providence of God does not happen often. The wheat-rents are a certain fund, other things are more caſual; and the whole amount of thoſe rents for both *Treſors*, throughout the iſland, is 469 quarters, the particulars whereof will be ſeen in the Appendix, Numb. XIV.

None of our biſhops ſince the reformation have viſited us. To ſupply therefore in ſome manner the defect and want of confirmation, great care is had of the public catechizing of children. Private inſtruction goes before, and ſome competency of age is required; and then, their anſwering to the interrogations put to them at church, in the preſence and hearing of the whole aſſembly, is underſtood and taken for a ratification of their baptiſmal vow, and an owning of the obligations of chriſtianity, to the diſcharge of their ſponſors. Nor can any more be done here, as we are circumſtanced, to qualify catechumens for the Holy Communion, to which they are after this admitted.

To conclude. As in the former part of this work I have accounted for the ſeveral revolutions in our civil ſtate, ſo in this laſt chapter I have traced from the beginning the various turns and changes which we have undergone in religion, to our final ſettling

[1] Je ne nie pas qu'il ne ſoit licite d'employer partie de ces deniers en cas de neceſſité urgente à la defenſe de l'Iſle; mais je ne penſe pas qu'on les puiſſe divertir a payer des Voyages d'Angleterre, a faire des Chauſées, &c. car hors la neceſſité ce ſeroit ſacrilege

Matt. vi. 4 —Thy Father which ſeeth in ſecret, himſelf ſhall reward thee openly.

in the Church of England. I wiſh I could truly ſay, that our practice was in all things anſwerable to our profeſſion, and did credit and honour to the excellent church which has adopted us. But we are fallen into evil times. When ſo great and general a corruption, both in principles and manners, has ſpread itſelf every where, it would be next to a miracle if we were not tainted with it in ſome degree. Too ſure it is, that we are much gone off from the good old way of our fathers, and that if we have enlarged our acquaintance and commerce with the world beyond them, it has not proved to the bettering of our morals. Having confeſſed thus much, I muſt do my country the juſtice to ſay, that (bleſſed be God) we are not yet ſo depraved and abandoned as to throw contempt on religion, and have the moſt awful and venerable inſtitutions of it in deriſion. To forſake chriſtian aſſemblies and ſacraments, and live openly as an infidel (all of which it ſeems goes for nothing in ſome places) would here render a man infamous, and even debar him of public truſts and employments. The main reproach we lie under, is on account of our diviſions. Now ſuppoſing them as great as they are repreſented, yet they who upbraid us with them, do it with a very ill grace, being themſelves far more obnoxious and divided. There are two points about which a people are moſt apt to break out into parties and factions, viz. religion and civil government. But in reſpect of theſe, we are all of one heart and mind, and there is not the leaſt variance or diſagreement amongſt us. Diſſenters we have none of any ſort, as has been obſerved before; and whig and tory are names here without ſignificancy, and applicable to no body. In ſhort, I take the multipicity of ſuits and Chicaneries of law, to be the unhappy ſource of all our brawls and ſquabbles; and men's intereſts in this iſland are ſo invovled and entangled one with another by Guaranties, and other ways peculiar to us, that ſome controverſies will neceſſarily ariſe. Neither are men forbidden to ſeek relief from the law in defence of their properties, always provided that they have a guard upon themſelves, keep their temper, offend not againſt charity, and do not improve queſtions of right into perſonal feuds and quarrels, to the extinguiſhing of love and amity betwixt the neareſt relations and neighbours. Therein is the fault, and we are particularly charged with it. If the charge be true, we ought to take ſhame to ourſelves, nothing being more contrary to the ſpirit of chriſtianity than diſputes and contentions carried to thoſe heights. As for the late tumult in the iſland, with the occaſion and conſequences of it, 'tis a matter with which it becomes me not to meddle. It lies before his Majeſty and council, whoſe great wiſdom will doubtleſs find means to allay the heats and paſſions of angry men, and reſtore tranquillity to the country.

Glory to God in the higheſt, and on Earth Peace!

THE END OF THE CHAPTERS.

AN

AN

APPENDIX

OF

RECORDS and other PIECES referred to in the preceding Chapters.

NUMB. I.

THE CONSTITUTIONS OF KING JOHN [1].

Inquiſitio facta de Servitiis, Conſuetudinibus, & Libertatibus inſul. de Gereſe & Guerneſe, & Legibus conſtitutis in Inſulis per Dominum Johannem Regem, per Sacramentum Roberti Blondel, Radulphi Burnel, &c. qui dicunt, &c. Rot. Hen. 3.

CONSTITUTIONES & Proviſiones conſtitute per Dominum Johannem Regem, poſtquam Normannia alienata fuit.

Imprimis, conſtituit Duodecim Coronatores Juratos, ad Placita & Jura ad Coronam ſpectantia cuſtodienda.

II. Coſtituit etiam & conceſſit pro ſecuritate Inſularium, quod Ballivus de cetero per viſum dictorum Coronatorum poterit placitare abſque Brevi de Novâ Diſſeiſinâ factâ infrà annum, de Morte Anteceſſoris infrà annum, de Dote ſimiliter infrà annum, de Feodo invadiato ſemper, de Incumbreio Maritagij, &c.

III. Ii debent eligi de Indigenis Inſularum, per Miniſtros Domini Regis, & Optimates Patrie; ſcilicet poſt Mortem unius eorum, alter fide dignus, vel alio caſu legitimo, debet ſubſtitui [2].

[1] The original of theſe Conſtituaions of King John is loſt; but they are extant in an Inqueſt of his ſon Henry III. which recites and confirms them.

[2] There is here a tranſpoſition that perplexes the ſenſe. It ought to be, Scilicet poſt Mortem unius eorum, vel alio caſu legitimo, alter fide dignus debet ſubſtitui.

IV. Electi

IV. Electi debent jurare ſine conditione, ad manutenendum & ſalvandum jura Domini Regis & Patriotarum.

V. Ipſi Duodecim in qualibet Inſulâ, in abſentiâ Juſticiariorum, & unà cum Juſticiariis cùm ad Partes illas venerint, debent judicare de omnibus caſibus in dictâ Inſulâ qualitercunque emergentibus, exceptis Caſibus nimis arduis, & ſi quis legitimè convictus fuerit a Fidelitate Domini Regis tanquam Proditor receſſiſſe, vel manus injeciſſe violentas in Miniſtros Domini Regis modo debito Officium exercendo.

VI. Ipſi Duodecim debent Emendas ſive Amerciamenta omnium premiſſorum taxare, predictis tamen arduis Caſibus exceptis, aut aliis Caſibus in quibus ſecundùm Conſuetudinem Inſularum merè ſpectat redemptio pro voluntate Domini Regis & Curie ſue.

VII. Si Dominus Rex velit certiorari de Recordo Placiti coram Juſticiariis et ipſis Duodecim agitati, Juſticiarii cum ipſis Duodecim debent Recordum facere; et de Placitis agitatis coram Ballivo et ipſis Juratis in dictis Inſulis, ipſi debent Recordum facere conjunctim.

VIII. Quod nullum Placitum infrà quamlibet dictarum Inſularum coram quibuſcunque Juſticiariis inceptum, debet extrà dictam Inſulam adjornari, ſed ibidem omninò terminari.

IX. Inſuper conſtituit quod nullus de libero Tenemento ſuo, quod per annum & diem pacificè tenuerit, ſinè Brevi Domini Regis de Cancellariâ, de Teuente & Tenemento faciente mentionem, reſpondere debeat vel teneatur [1].

X. Quod nullus pro Feloniâ damnatus extrà Inſulas prædictas, Hereditates ſuas infrâ Inſulas forisfacere poteſt, quin Heredes ſui eas habeant.

XI. Item, ſi quis forisfecerit, & abjuraverit Inſulam, & poſtea Dominus Rex pacem ſuam ei conceſſerit, & infrà annum & diem abjurationis revertatur ad Inſulam, de Hereditate ſuâ plenariè debet reſtitui.

[1] This article was inſerted to reſtrain the violence of the governors, who having the whole power civil and military in their hands, invaded men's eſtates, and poſſeſſed themſelves of them by their ſole authority.

XII. Item, quod nullus debet impriſonari in Caſtro niſi in Caſu criminali, vitam vel membrum tangente, & hoc per Judicium Duodecim Coronatorum Juratorum, ſed in aliis liberis Priſonis ad hoc deputatis.

XIII. Item, quod Dominus Rex nullum *Prépoſitum* ibidem *prohibere* debeat niſi per electionem Patriotarum [1].

XIV. Item, Conſtitutum eſt, quod Inſulani non debeant coram Juſticiariis ad Aſſiſas capiendas aſſignatis, ſeu alia Placita tenenda, reſpondere, antequam tranſcripta Commiſſionum eorundem ſub Sigillis ſuis eis liberentur.

XV. Item, quod Juſticiarii per Commiſſionem Domini Regis ad Aſſiſas capiendas ibidem aſſignati, non debent tenere Placita in qualibet dictarum Inſularum, ultrà Spatium trium Septimanarum.

XVI. Item, quod ipſi Inſulani coram dictis Juſticiariis poſt tempus predictum venire non tenentur.

XVII. Item, quod ipſi non tenentur Domino Regi Homagium facere, donec ipſe Dominus Rex ad Partes illas, ſeu infrà Ducatum Normannie venerit, aut aliquem alium per Literas ſuas aſſignare voluerit in iiſdem Partibus, ad predictum Homagium nomine ſuo ibidem recipiendum.

XVIII. Item, Statutum eſt pro tuitione & ſalvatione Inſularum & Caſtrorum, & maximè quia Inſule propè ſunt, & juxtà poteſtatem Regis Francie, & aliorum inimicorum ſuorum, quod omnes Portus Inſularum benè cuſtodirentur; & Cuſtodes Portuum Dominus Rex conſtituere precipit, ne damna ſibi & ſuis eveniant [2].

[1] I know not what to make of this article; inſtead of *prohibere* it ſhould undoubtedly be *promovere*. By *præpoſitus* muſt be meant the Provoſt in Guernſey, who is the ſame officer as the Viconte in Jerſey.

[2] When Henry III. confirmed the Conſtitutions, Philip de Aubigny, warden of the iſlands, obtained a ſupplement of ſome other articles and conceſſions about trade, which being of no uſe at preſent are here omitted.

NUMB. II.

THE INSCRIPTION ON THE MACE GIVEN BY KING CHARLES II.

Tali haud omnes dignatur Honore [a].

CAROLUS ſecundus, Magnæ Britanniæ, Franciæ, & Hiberniæ Rex ſereniſſimus, affectum Regium ergà Inſulam de Jerſey (in quâ bis habuit receptum, dum coeteris ditionibus excluderetur) hocce Monumento verè Regio poſteris conſecratum voluit. Juſſitque ut deinceps Balivis præferatur, in perpetuam Memoriam Fidei, tùm Auguſtiſſimo Parenti Carolo primo, tùm ſuæ Majeſtati, ſœvientibus Bellis Civilibus, ſervatæ a Viris clariſſimis, Philippo & Georgio de Carteret, Equitibus Auratis, hujus Inſulæ Baliv. & Reg. Præfect.

To this the following Clauſe in the ſaid King's Charter may be added.

——Et ulteriùs in Teſſeram favoris noſtri præfato Ballivo & Juratis Inſulæ noſtræ de Jerſey prædictæ, ac cœteris Incolis & Habitatoribus infrà Inſulam illam, pro ſummâ & conſtanti fidelitate & ligeantiâ ſuis, Nobis, & Predeceſſoribus noſtris, nuper Regibus & Reginis Angliæ, ex quacunque cauſâ manifeſtatis, de gratiâ noſtrâ ſpeciali, ac ex certâ ſcientiâ & mero motu noſtris, dedimus & conceſſimus, ac per præſentes pro Nobis, Hæredibus, & Succeſſoribus noſtris, damus & concedimus eiſdem Ballivo & Juratis Inſulæ noſtræ de Jerſey, & cæteris Incolis & Habitatoribus infrà Inſulam illam, plenam poteſtatem & auctoritatem, eò quod de cœtero in perpetuum liceat & licebit eis habere, uti, & portare ſeu portari cauſare, coram Ballivo ejuſdem Inſulæ noſtræ de Jerſey, pro tempore exiſtenti, unam Claveam auream vel argenteam, communiter vocatam *a Mace*, inſignis armorum noſtrorum, Hæredum & Succeſſorum noſtrorum, ſuperindè inſculptam & ornatam, in & per totam illam Inſulam noſtram de Jerſey, libertates, & præcinctas ejuſdem, ad libitum hujuſmodi Ballivi Inſulæ illius, pro tempore exiſtentis, quando et quoties occaſio requiret. Et ultimò volumus, &c.—Teſte meipſo apud Weſtmonaſterium, decimo die Octobris anno regni noſtri decimo quarto.—Per breve de privato Sigillo——Howard.

[a] In imitation of Virgil, Æneid. I. Haud equidem tali me dignor honore.

NUMBER III.

Letters Patent of King James I, forbidding the Governor to intermeddle in the Nomination of the Bailly, &c.

James by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c. To all to whom theſe Preſents ſhall come, greeting. Whereas a Controverſy has been long depending before us and our Counſaile, betwixt Sir John Peyton Kt. Captain of our Iſle of Jerſey, and John Herault of St. Saviour, Eſq. concerning the Right of Nomination to the Office of Bailiffe of the ſaid Iſle, claimed by the ſaid Sir John Peyton by virtue of the Letters Patents whereby he holdeth his Office of Captain of the ſame Iſland, but the ſaid Office of Bailiffe granted by ſpecial Letters Patents from Us unto the ſaid John Herault, and alſo touching the Wages appertaining unto the ſaid Office of Bailiffe; Foraſmuch as the Power and Authority to nominate, and appoint, or conſtitute a Magiſtrate, or public Officer of Juſtice, is one of the eſſential and principal Marks of our Supreme Power and Authority, and an Act merely regal, and altogether inſeparable from our Royal Perſon, and that contrary to our Royal Intent and Meaning, the ſame hath been inſerted into the ſaid Sir John Peyton's Letters Patents, in prejudice of the common Right and Privilege of that Iſland, and the ſpecial Laws, and Statutes, and Ordinances made for the good Government of the ſame: We therefore, according to the Report of our right truſty and well-beloved Counſellors, the Lord Zouch, and Sir Ralph Winwood Kt. our principal Secretary, formerly appointed to hear and examine the ſaid Cauſe, have ordained and commanded, and by theſe Preſents for Us, our Heirs, and Succeſſors, We do ordain and command, that the ſaid John Herault be put in the preſent and peaceable poſſeſſion of the ſaid Office of Bailiffe, according to the purport and meaning of our ſaid Letters Patents, without any diſturbance or hinderance to be by the ſaid Sir John Peyton, or any other of the ſaid Iſland, or any other Captain or Governor that ſhall hereafter ſucceed in that Place, or under any other pretence or colour whatſoever, or by any other Perſon or Perſons whatſoever. And foraſmuch as we alwaies intended that a competent and reaſonable Penſion ſhould be yearly allowed unto our ſaid Bailiffe, out of the Revenues of the ſaid Iſle, We therefore according to the ſaid Report have ordered, adjudged, and commanded, and by theſe Preſents for Us, our Heirs, and Succeſſors, do order, adjudge, and command, that the Summ of one Hundred Markes, of lawful Money of England, ſhall be yearly paid by our Receiver there, out of our Revenues and Poſſeſſions in the ſame Iſland, unto the ſaid John Herault, for and during his Life, for his Wages of

Bailiffe, over and above all Profits and Emoluments thereunto belonging, the ſaid Summ of a hundred Markes to be paid to the ſaid John Herault yearly, during his Life, by equal Portions, at the four Terms of the Year accuſtomed, the firſt payment to begin from the 25th day of April 1614, to which Allowance and Fee of a Hundred Markes by the year the ſaid Sir John Peyton hath ſubmitted himſelf. And to the end that hereafter all difficulties concerning the Nomination, Inſtitution, and Appointment of the Officers aforeſaid may be taken away, We, by the advice and mature deliberation of our Counſell, have commanded and ordered, and by theſe Preſents for Us, our Heirs, and Succeſſors, doe command and order, that henceforth no Bailiffe, Deane, Vicomte, Procuror, Advocate to Us, ſhall be made and appointed, but immediately by Letters Patent under our Great Seal, in the Name and by the Authority of Us, our Heires, and Succeſſors, Kings of this Realm of England, and Dukes of Normandy, and not otherwiſe. And we do likewiſe command and enjoyne, and by theſe Preſents do ſtraightly command and enjoyne the ſaid Sir John Peyton, and all other Captains or Governors of the ſaid Iſland, preſent and to come, never hereafter to attempt or intermeddle in any wiſe in the Nomination, Inſtitution, and Appointment of the ſaid Offices of Bailiffe, Deane, Viſcount, our Attorney, or Advocate, or any other Public Officer of Juſtice within the ſaid Iſle, or in any wiſe to infringe or violate, either the Priviledge granted to the Inhabitants thereof by the moſt excellent Prince of famous Memory King Henry the Seventh, or the Statutes and Ordinances made by the ſame King for the good and peaceable Government of the ſame Iſland, upon paine to incurre our Indignation, and further Puniſhment at our Pleaſure. And to the end that this Act be duely put in execution, We do further command that the ſame be entred as well into the Regiſter of Counſell-Cauſes, as in the Royal-Court there, and to give notice from time to time unto Us and our Privy-Counſell of the Contraventions attempted in prejudice of the ſame. For ſuch is our Pleaſure. In witneſs whereof We have cauſed theſe our Letters to be made Patent. Witneſs our ſelves at Weſtminſter the 9th day of Auguſt in the thirteenth year of our Reigne of England, France, and Ireland, and of Scotland the nine and fortieth.

NUMBER IV.

NUMBER IV.

A Grant of King Henry V. to his Brother the Duke of Bedford, of the Government and Regalities of all the Iſlands.

An. 3. H. 5.

Rex omnibus ad quos, &c. Salutem. Sciatis quod de gratiâ noſtrâ ſpeciali, conceſſimus chariſſimo fratri noſtro Johanni Duci Bedford, in incrementum ſtatus ſui, Inſulas de Jersey, Guernſey, Sarq, & Aureney, unà cum Caſtris, Dominiis, Terris, Tenementis, Redditibus, Servitiis, Feodis Militum, Advocationibus Abbatiarum, Prioratuum, Hoſpitalium, Eccleſiarum, Capellarum, Cantariarum, & aliorum Beneficiorum Eccleſiaſticorum quoruncunque, Piſcariis, Foreſtis, Boſcis, Parcis, Chaceis, Warrenis, Officiis, Eſchaetis, Forisfacturis, Catallis Fugitivorum & Felonum, Pratis, Paſcuis, Paſturis, Moriſcis, Wrecco-Maris, Deodandis, Prioratibus Alienigenarum, Regalitatibus, Franchiſiis, Libertatibus, Reverſionibus, & aliis Juribus, Poſſeſſionibus, & Commoditatibus quibuſcunque, Nobis & Hæredibus noſtris aliqualiter pertinentibus ſive ſpectantibus infra Inſulas prædictas; Habend. eidem Duci, & hæredibus maſculis de corpore ſuo procreatis, adeo liberè & integrè ſicut Edwardus nuper Dux Eborum*, vel aliquis alius ea habuit, ſive occupare ſolebat temporibus retroactis, & ſicut Nos ea habere deberemus ſi ea in manibus noſtris remanere deberent, abſque aliquo Nobis, vel Hæredibus noſtris, indè reddendo, aliqua Prerogativâ Regiâ pro aliquâ aliâ Tenurâ de nobis extra dictas Inſulas tentâ, quæ ad dictas Inſulas, Caſtra, ſive Dominia, aliqualiter pertinere poterit, non obſtante; Eo quod de valore dictarum Inſularum, Caſtrorum, Dominiorum, & aliarum rerum ſupradictarum, ſive de aliis Conceſſionibus per chariſſimum Dominum & Patrem noſtrum Regem defunctum, ſive per Nos, eidem Johanni conceſſis, hic expreſſa mentio facta non exiſtit, ſecundum formam & effectum Statuti inde edit. Sive aliquibus aliis Statutis, ſive Ordinationibus quibuſcunque in contrarium factis non obſtantibus. In cujus, &c. Teſte Rege apud Weſtmonaſterium, viceſimo ſeptimo die Novembris. Per breve de privato Sigillo.

* Son of Edmund Duke of York, who was the fifth Son of King Edward III. He was ſlain at the Battle of Azincourt in 1415, whereupon the Duke of Bedford ſucceeded him. See the Supplements at the End.

NUMBER V.

The Oath tendered in the Royal Court to the Governor at his Admiſſion.

Puis qu'il a plú a Dieu vous appeller a la Charge de Gouverneur des Châteaux & Iſle de Jerſey, vous jurés & promettés icy en la preſence de Dieu, que fidellement vous exeercerés ladite Charge, ſous nôtre Soverain Sire George deuxieme, par le grace de Dieu Roy de la Grande Bretagne, France & Irlande, & des Dominions qui en dependent, renonçant a toutes autres ſuperiorités foraines & étrangeres, & garderés ſes droicts. Vous aſſiſterés & defendrés toutes juriſdictions, privileges, préeminences, & autorités appartenantes a ſadite Majeſté ; & avec tout voutre ſens & pouvoir garderés & ferés garder ladite Iſle & Chateaux contre les incurſions & ſurpriſes des Ennemis ; Comme auſſi toutes libertez, droicts, dignitez, loix, coûtumes, & privileges de ladite Iſle & Châteux, avec le bien public & avancement d'icelle. Item, vous prêterés votre force a la Juſtice de ſa Majeſté, à ce qu'elle ſoit revérée & obeïe, & ſes ſentences & ordonnances deûement executées, vous oppoſant a tous traitres, meurtriers, larrons, batteurs, mutins, & ſeditieux, a ce que la force demeure au Roy. Vous le promettés a l'acquit de vôtre Conſcience.*

NUMBER VI.

The Grant of a Public Seal by King Edward I.

Edwardus Dei gratia Rex Angliæ, Dominus Hiberniæ, & Dux Aquitaniæ, Ballivis Inſularum de Jerſey & Guerneſey, Salutem. Quia homines noſtri Inſularum prædictarum diverſa damna, & pericula non modica, quandoque in Mari per naufragium, quandoque in terrâ per depredationes & alia viarum diſcrimina, multoties hactenus ſunt perpeſſi, pro eo præcipuè quod in Inſulis illis nullum huc uſque Sigillum habuimus, cum quo, ſeu per quod, Brevia hominum de partibus illis conſignari, aut ipſorum negotia ibidem poſſent expediri: Nos, ad communem utilitatem hominum partium earundem, hujuſmodi periculis & damnis congruo remedio proſpici cupientes, quoddam Sigillum noſtrum, quo de cœtero ibidem uti voluimus,

* The ſame oath is taken by the Lieutenant Governor, *mutat. mutand.*

& quod

& quod vobis tranſmittimus, fecimus provideri, ut in poſterum Brevia, quæ homines Inſularum prædictarum hactenus in Cancellariâ noſtrâ Angliæ impetrare conſueverunt, & de cœtero impetrare voluerint, & conventiones & contractus quos ibidem a modo alternatim fieri contigerit, & qui hactenus tantummodò verbo tenus & non per Scripturam fieri ſolebant, eodem Sigillo de cœtero conſignentur. Et ideo vobis mandamus, quod Sigillum illud recipiatis, & per totam terram Inſularum prædictarum publicè proclamari faciatis, quod omnes illi de Partibus illis qui exnunc Brevia noſtra prædicta habere voluerint, illa ſecundùm antiquum Regiſtrum partium earundem impetrent ibidem, prout hactenus Cancellariâ noſtrâ prædictâ facere conſueverunt. Et vos Ballivi prædicti, hujuſmodi Brevia, atque Conventiones & Contractus, eodem Sigillo a modo conſignari facietis, & tranſcriptum prædicti Regiſtri nobis ſub Sigillo mittatis; et omnia præmiſſa de cœtero in Inſulis illis teneri & firmiter obſervari facietis, in formâ prædictâ. In cujus rei teſtimonium has Litteras noſtras fieri fecimus Patentes. Teſte meipſo apud Weſtmonaſterium quinto decimo die Novembris, anno Regni noſtri ſeptimo.

NUMBER VII.

Queen Elizabeth's Charter at Length.

Elizabeth Dei gratia Angliæ, Franciæ, & Hiberniæ Regina, Fidei defenſor, &c. Omnibus ad quos præſentes Litteræ pervenerint, Salutem. Quum dilecti & fideles ligei & ſubditi noſtri, Ballivus & Jurati Inſulæ noſtræ de Jerſey, ac cœteri incolæ & habitatores ipſius Inſulæ, infrà Ducatum noſtrum Normanniæ, & predeceſſores eorum a tempore cujus contrarii memoria hominum non exiſtit, per ſpeciales Chartas, Conceſſiones, Confirmationes, & ampliſſima Diplomata, illuſtrium Progenitorum ac Anteceſſorum noſtrorum, tam Regum Angliæ, quàm Ducum Normanniæ, ac aliorum, quam-plurimis juribus, juriſdictionibus, privilegiis, immunitatibus, libertatibus, & franchiſiis, liberè, quietè, & inviolabiliter uſi, freti, & graviſi fuerunt, tam infrà Regnum noſtrum Angliæ, quàm alibi infra Dominia & loca Ditioni noſtræ ſubjecta, ultra citraque Mare, quorum ope & beneficio Inſulæ prænominatæ, & loca maritima prædicta, in fide, obedientiâ, & ſervitio, tam noſtri quàm eorundem Progenitorum noſtrorum, conſtanter, fideliter, & inculpatè perſtiterunt, & perſeveraverunt, liberaque Commercia cum Mercatoribus, & aliis indigenis ac alienigenis, tam pacis quam belli temporibus, habuerunt & exercuerunt; Judicia etiam & Cognitiones omnium & omnimodarum cauſarum & querelarum, actionum,

actionum, & placitorum, tam Civilium quàm Criminalium & Capitalium, ac judicialem poteſtatem ea omnia tractandi, decidendi, diſcutiendi, audiendi, terminandi, atque in eiſdem procedendi, & in Acta redigendi, ſecundùm Leges & Conſuetudines Inſulæ & locorum prædictorum ex antiquo receptas & approbatas, præterquam in certis Caſibus Cognitioni noſtræ Regiæ reſervatis, de tempore in tempus exercuerunt, executi ſunt, & peregerunt; quæ omnia & ſingula, cujus & quanti momenti ſunt & fuerunt, ad tutelam & conſervationem Inſularum & locorum maritimorum prædictorum, in fide & obedientiâ Coronæ noſtræ Angliæ, Nos, ut æquum eſt, perpendentes; Neque non immemores quàm fortiter & fideliter Inſularii prædicti, ac cœteri incolæ & habitatores ibidem, Nobis, & Progenitoribus noſtris, inſervierunt, quantaque detrimenta, damna, & pericula, tam pro aſſiduâ tuitione ejuſdem Inſulæ & Loci, quàm pro recuperatione & defenſione Caſtri noſtri de Mont-Orgueil, infrà prædictam Inſulam noſtram de Jerſey, ſuſtinuerunt, indieſque ſuſtinent; non ſolùm ut Regia noſtra benevolentia, favor, & affectus, erga præfatos Inſularios illuſtri aliquo noſtræ Beneficentiæ Teſtimonio, ac certis indiciis, comprobetur, verum etiam ut ipſi, & eorum poſteri, deinceps in perpetuum prout antea, ſolitam & debitam obedientiam erga Nos, Hæredes, et Succeſſores noſtros, teneant & inviolabiliter obſervent, has Litteras noſtras Patentes, magno Sigillo Angliæ roboratas, in formâ quæ ſequitur illis concedere dignati ſumus. Sciatis quod Nos, de gratiâ noſtrâ ſpeciali, ac ex certâ ſcientiâ & mero motu noſtris, dedimus & conceſſimus, ac pro Nobis, Hæredibus, & Succeſſoribus noſtris, per Præſentes damus & concedimus, præfatis Ballivo & Juratis Inſulæ noſtræ de Jerſey prædictæ, ac cœteris incolis & habitatoribus dictæ Inſulæ, quod ipſi, & eorum quilibet, licet in Præſentibus non recitati, ſeu cogniti per ſeparalia Nomina, ſint ſemper in futurum ita liberi, quieti, & immunes, in omnibus Civitatibus, Burgis, Emporiis, Nundinis, Mercatis, Villis Merçatoriis, & aliis locis ac portubus infrà Regnum noſtrum Angliæ, ac infrà omnes Provincias, Dominia, Territoria, ac loca Ditioni noſtræ ſubjecta, tam citra quàm ultrà Mare, de & ab omnibus vectigalibus, theloniis, coſtumis, ſubſidiis, hidagiis, tallagiis, pontagiis, panagiis, muragiis, foſſagiis, operibus, expeditionibus bellicis, niſi in caſu ubi Corpus Noſtri, præfatæ Reginæ, Hæredum, vel Succeſſorum noſtrorum, (quod abſit) in priſonâ detineatur, & de ab omnibus aliis contributionibus, oneribus, & exactionibus quibuſcunque, Nobis, Hæredibus, & Succeſſoribus noſtris, quovis modo debitis, reddendis, ſeu ſolvendis, prout præfati Inſularii, virtute aliquarum Chartarum, Conceſſionum, Confirmationum, ſive Diplomatum, per prædictos Progenitores noſtros, quondam Reges Angliæ & Duces Normanniæ, ſive alios, ſeu virtute aut vigore alicujus rationabilis & legalis uſus, præſcriptionis, ſeu conſuetudinis, unquam aliquando fuerunt, aut eſſe debuerunt, vel potuerunt, debuit vel quovis modo potuit: Cumque nonnulla

alia

alia Privilegia, Juriſdictiones, Immunitates, Libertates, & Franchiſiæ, per prædictos Progenitores & Predeceſſores noſtros, quondam Reges Angliæ & Duces Normanniæ, ac alios, præfatis Inſulariis indulta, donata, conceſſa, & confirmata fuerunt, ac a tempore cujus contrarii memoria hominum non exiſtit, infra Inſulam & loca maritima prænominata, inviolabiliter uſitata & obſervata fuerunt, de quibus unum eſt, Quod tempore Belli omnium Nationum Mercatores, & alii tam alienigeni quàm indigeni, tam hoſtes quàm amici, liberè, licitè, & impunè, queant & poſſint dictam Inſulam, & loca maritima, cum navibus, mercibus, & bonis ſuis, tam pro evitandis tempeſtatibus, quàm pro aliis licitis ſuis negotiis inibi peragendis, adire, accedere, commeare, & frequentare, & libera commercia, negotiationes, ac rem mercatoriam ibidem exercere, ac tutò & ſecurè commorari, indè recommeare ac redire toties quoties, abſque damno, moleſtiâ, ſeu hoſtilitate quâcunque, in rebus, mercibus, bonis, aut corporibus ſuis, idque non ſolùm infra Inſulam, loca maritima prædicta, ac præcinctum eorundem, verum etiam infra ſpatia undique ab eiſdem diſtantia uſque ad viſum hominis, id eſt, quatenus viſus oculi poſſet aſſequi; Nos eandem immunitatem, impunitatem, libertatem, ac privilegium, ac cœtera omnia præmiſſa ultimò recitata, rata grataque habentes, ea pro Nobis, Hæredibus & Succeſſoribus noſtris, quantum in nobis eſt, præfatis Ballivo & Juratis, ac cœteris incolis, habitatoribus, mercatoribus, & aliis, tam hoſtibus quàm amicis, & eorum cuilibet, per Præſentes indulgemus & elargimur, auctoritate noſtrâ Regiâ renovamus, reiteramus, & confirmamus, in tam amplis modo & formâ prout prædicti incolæ & habitatores Inſulæ prædictæ, ac prædicti indigeni & alienigeni, mercatores, & alii, per antea uſi vel graviſi fuerunt, vel uti aut gaudere debuerunt. Univerſis igitur & ſingulis Magiſtratibus, Miniſtris, & ſubditis noſtris, per univerſum Regnum noſtrum Angliæ, ac cœtera Dominia & loca Ditioni noſtræ ſubjecta, ubilibet conſtitutis, per Præſentes denuntiamus, ac firmiter injungendo præcipimus, ne hanc noſtram Donationem, Conceſſionem, & Confirmationem, ſeu aliquod in eiſdem expreſſum aut contentum, temerariè infringere, ſeu quovis modo violare præſumant; & ſi quis auſu temerario contrafecerit, volumus & decernimus, quantum in nobis eſt, quod reſtituat non ſolum ablata aut erepta, ſed quod etiam pro damno, intereſſe, & expenſis, ad plenariam recompenſam & ſatisfactionem compellatur, per quæcunque Juris noſtri remedia, ſeverèque puniatur, ut Regiæ noſtræ Poteſtatis, ac Legum noſtrarum contemptor temerarius. Præterea ex uberiori gratiâ noſtrâ, per Præſentes ratificamus, approbamus, ſtabilimus, & confirmamus omnes & ſingulas Leges & Conſuetudines, infra Inſulam & loca maritima prædicta, ritè & legitimè uſitatas, & ex antiquo receptas & approbatas; dantes & tribuentes præfatis Ballivo & Juratis, ac omnibus aliis Magiſtratibus, Miniſtris, & cœteris quibuſcunque ibidem in officio aut functione aliquâ conſtitutis, plenam, integram,

& ab-

& abſolutam auctoritatem, poteſtatem, & facultatem cognoſcendi, juriſdicendi, & judicandi, de & ſuper omnibus & omnimodis placitis, proceſſibus, litibus, actionibus, querelis, & cauſis quibuſcunque, infrà Inſulam & loca prædicta emergentibus, tam realibus, perſonalibus, & mixtis, quàm criminalibus & capitalibus, eaque omnia & ſingula ibidem & non alibi placitandi & peragendi, proſequendi & defendendi, atque in eiſdem vel procedendi vel ſuperſedendi, examinandi, audiendi, terminandi, abſolvendi, condemnandi, decidendi, atque executioni mandandi, ſecundùm Leges & Conſuetudines Inſulæ & locorum maritimorum prædictorum, per antea uſitatas & approbatas, abſque provocatione, ſeu appellatione quacunque, præterquam in caſibus qui cognitioni noſtræ Regali, ex vetuſtâ conſuetudine Inſulæ & loci prædicti reſervantur, vel de jure aut privilegio noſtro Regali reſervari debent. Quam quidem auctoritatem, poteſtatem, & facultatem, præterquam in eiſdem caſibus reſervatis, Nos pro Nobis, Hæredibus, & Succeſſoribus noſtris, præfatis Ballivo & Juratis, ac aliis, damus, committimus, concedimus, & confirmamus per Præſentes, adeo plenè, liberè, & integrè, prout præfati Ballivus & Jurati, ac alii, vel eorum aliquis, antehac iiſdem ritè & legitimè uſi, functi, aut gaviſi ſunt, vel uti, fungi, aut gaudere debuerunt, aut licitè potuerunt, debuit aut potuit. Volumus præterea, & pro Nobis, Hæredibus, & Succeſſoribus noſtris, per Præſentes concedimus præfatis Ballivo & Juratis, & aliis incolis & habitatoribus infrà Inſulam & loca maritima prædicta, quod nullus eorum de cœtero per aliqua Brevia, ſeu Proceſſus, ex aliquibus Curiis noſtris, ſeu aliorum, infra Regnum noſtrum Angliæ emergentia, ſive eorum aliqua, citetur, apprehendatur, evocetur, in placita trahatur, ſive quoviſmodo aliter comparere aut reſpondere cogatur, extra Inſulam & loca maritima prædicta, coram quibuſcunque Judicibus, Juſticiariis, Magiſtratibus, aut Officiariis noſtris, aut aliorum, de & ſuper aliquâ re, lite, materiâ, ſeu cauſâ quacunque infra Inſulam prædictam emanente; ſed quod Inſularii prædicti, & eorum quilibet, hujuſmodi citationibus, apprehenſionibus, brevibus, & proceſſionibus non obſtantibus, licitè & impunè valeant & poſſint, valeat & poſſit, infra Inſulam & loca prædicta reſidere, commorare, quieſcere, & juſtitiam ibidem expectare, abſque aliquâ pœnâ corporali ſeu pecuniariâ, fine, redemptione, aut mulctâ proinde incurrendâ, forisfaciendâ, nec non abſque aliquâ offenſione, vel cauſâ contemptus ſeu contumaciæ, per Nos, Hæredes, & Succeſſores noſtros, illis, ſeu eorum alicui, aut aliquibus, proinde infligendâ, irrogandâ, vel aliter adjudicandâ, exceptis tantummodo hujuſmodi Caſibus qui per Leges & Conſuetudines Inſulæ & loci prædicti Regali noſtræ Cognitioni atque examini reſervantur, vel de jure & privilegio noſtro Regali reſervari debent. Et ulterius de ampliori gratiâ noſtra, ac ex certâ ſcientiâ & mero motu noſtris, dedimus, conceſſimus, & confirmavimus, & per has Literas noſtras Patentes, pro Nobis, Hæredibus, & Succeſſoribus noſtris, quantum in Nobis eſt, damus, concedimus, & confirmamus, præfatis Ballivo

& Jura-

& Juratis, coeteriſque incolis & habitatoribus Inſulæ & locorum maritimorum prædictorum, necnon Mercatoribus, & aliis eò confluentibus, tot, tanta, talia hujuſmodi vel conſimilia jura, juriſdictiones, immunitates, impunitates, indemnitates, exemptiones, libertates, & franchiſias, & privilegia quæcunque, quot, quanta, qualia, & quæ prefati Ballivus & Jurati, ac coeteri incolæ & habitatores, Mercatores, & alii, aut eorum aliquis, antehac legitimè & ritè uſi, freti, ſeu gaviſi fuerunt, uſus, fretus, ſeu gaviſus fuit, ac omnia & ſingula quæcunque alia in quibuſcunque Chartis, aut Litteris Patentibus noſtris, ſeu Progenitorum noſtrorum, quondam Regum Angliæ, ſeu Ducum Normanniæ, aut aliorum, eis, ſeu eorum predeceſſoribus, antehac data, conceſſa, vel confirmata, & non revocata ſeu abolita, quocunque nomine, ſeu quibuſcunque nominibus, iidem Ballivus, Jurati, ac coeteri incolæ & habitatores ejuſdem Inſulæ, & locorum maritimorum prædictorum, aut eorum prædeceſſores, aut eorum aliqui vel aliquis, in eiſdem Litteris Patentibus, ſeu earum aliquibus, cenſeantur, nuncupentur, aut vocitentur, ſeu cenſeri, nuncupari, aut vocitari debuerunt, ſeu ſoliti fuerunt; ac ea omnia & ſingula, licet in Præſentibus minimè expreſſa, præfatis Ballivo & Juratis, ac coeteris incolis & habitatoribus Inſulæ & locorum maritimorum prædictorum, nec non Mercatoribus, & aliis eò confluentibus, indigenis & alienigenis, per Præſentes confirmamus, conſolidamus, & de integrè ratificamus, adeo plenè, liberè, & integrè, prout ea omnia & ſingula in eiſdem Literis Patentibus contenta, modo particulariter, verbatim, & expreſſè in præſentibus Litteris noſtris Patentibus recitata & declarata fuiſſent. Salvâ ſemper atque illabefactatâ ſupremâ Regiâ Poteſtate, Dominatione, atque Imperio Coronæ noſtræ Angliæ, tam quoad ligeantiam, ſubjectionem, & obedientiam Inſulæ prædictæ, & aliorum quorumcunque infrà Inſulam & loca prædicta commorantium ſive degentium, quàm quoad Regalitates, privilegia, res, redditus, vectigalia, ac coetera jura, proficua, commoditates, ac emolumenta quæcunque infrà Inſulam & loca prædicta Nobis, Hæredibus, & Succeſſoribus noſtris, per prerogativam Coronæ noſtræ Angliæ, ſive Ducatus Normanniæ, ſeu aliter, ex antiquo debita & conſueta: Salvis etiam Appellationibus & Provocationibus quibuſcunque Inſulæ prædictæ, ac aliorum ibidem commorantium ſive degentium, in omnibus ejuſmodi caſibus qui Legibus & Conſuetudinibus Inſulæ & locorum prædictorum, Regali noſtræ cognitioni atque examini reſervantur, vel de jure aut privilegio noſtro Regali reſervari debentur; aliquâ ſententiâ, clauſulâ, re aut materiâ quacunque, ſuperiùs in Præſentibus expreſſâ & ſpecificatâ in contrarium, in aliquo nonobſtante. Proviſo ſemper, quod aliqua clauſa, articulus, ſive aliquod aliud in præſentibus noſtris Litteris Patentibus expreſſum & ſignificatum, non exponantur, interpretentur, ſeu ſe extendant ad aliquid quod ſit, vel fieri poſſit, Nobis, vel Hæredibus noſtris præjudiciale, quoad aliqua tenementa, terras, redditus, Regalitates, vel hæreditamenta noſtra infrà Inſulám

 prædictam.

prædictam. Poſtremo volumus, ac per Præſentes concedimus, quod dicti Ballivus & Jurati, ac coeteri incolæ & habitatores Inſulæ prædictæ, necnon Mercatores, & alii illic commorantes ſeu confluentes, habeant, & de tempore in tempus habere poſſint, has Litteras noſtras Patentes, ſub magno Sigillo noſtro Angliæ debito modo factas & ſigillatas, abſque fine, ſeu feodo, magno vel parvo, Nobis in Hanaperio noſtro, ſeu alibi, ad uſum noſtrum pro præmiſſis quoquomodo reddendo, ſolvendo, vel faciendo; Eo quod expreſſa mentio de vero valore annuo, aut de certitudine præmiſſorum, ſive eorum alicujus, aut de aliis donis, ſive conceſſionibus, per Nos, vel per aliquos Progenitorum ſive Predeceſſorum noſtrorum, præfatis Ballivo & Juratis, ac coeteris incolis & habitatoribus Inſulæ prædictæ, ſive eorum alicui, antè hæc tempora factis, in Præſentibus minimè facta exiſtit, aut aliquo ſtatuto, actu, ordinatione, proviſione, proclamatione, ſive reſtrictione in contrarium indè antehac habitâ, factâ, editâ, ordinatâ, ſeu provisâ, aut aliquâ aliâ re, causâ, vel materiâ quacunque in aliquo nonobſtante. In cujus rei teſtimonium has Litteras noſtras fieri fecimus Patentes. Teſte meipsâ apud Greenwiche, viceſimo ſeptimo die Junii anno Regni noſtri quarto.—Per Breve de Privato Sigillo.

NUMBER VIII.

Tranſcript of an old Manuſcript-Memorial concerning the ancient Monument of la Hogue-bye, in Jerſey.

Fabulatur quondam in Inſulâ de Jerſey, in palude Sancti Laurentii, fuiſſe Serpentem, qui multis dampnis & cladibus afficiebat Inſulanos. Cùm autem Dominus de Hambeyâ Normaniæ hoc audiſſet, famâ & nominis gloriâ motus, illuc acceſſit, & Serpentem interfecit, & caput abſcindit. Ut autem Servus qui eum comitabatur, gloriam ejus facti reportaret, invidiâ permotus Dominum ſuum interfecit, & eum ſepelivit. Rediit Hambeyam, perſuaſit Dominæ ſuæ Dominum interfectum fuiſſe a Serpente, & ſe Serpentem interfeciſſe, qui volebat Domini mortem ulciſci. Similiter perſuaſit eâ causâ in ultimâ voluntate Dominum ſuum eam rogaſſe, ut eidem Servo nuberet, quod illa amore mariti conceſſit. Servus autem jam Dominus factus, frequentius agitabatur in ſomniis, & terrebatur, exclamabatque dormiens, O me miſerum! miſerum me! qui Dominum meum interfeci! Illa frequentius admonuit eum Somniorum, ſed tum cùm frequenter pergeret ſic ſomniare, illa paricidium ſuſpecta, reſeravit

reſeravit amicis, & Judicis decreto examinatus homicidium agnovit. Illa in memoriam facti, in loco quo interfectum fuiſſe didicerat & ſepultum, Tumulum rotundum accumulatum erexit in Parochiâ Sancti Salvatoris*, loco conſpicuo, nunc Hogam Hambeyam, aliàs Hogam Byam vocitant. Hoga eſt Pyramis obtuſa e terrâ, cujuſmodi Galli vocant Montjoyes.

NUMBER IX.

The Bull of Pope Alexander VI, transferring the Iſlands from the Dioceſe of Coutance in Normandy, to that of Wincheſter in England.

Alexander Epiſcopus, Servus ſervorum Dei, ad perpetuam rei memoriam. Ex injuncto nobis deſuper Apoſtolicæ ſervitutis Officio, ad ea libenter intendimus per quæ quieti & tranquillitati ſtatûs Catholicorum Regum & Principum opportunè conſulatur, ac ſcandalis, periculis, & diſſentionibus quæ exinde evenire poſſent, obvietur. Cum itaque, ſicut exhibita nobis nuper pro parte cariſſimi in Chriſto filii noſtri, Henrici Angliæ Regis illuſtris, Petitio continebat, Inſulæ de Gerſey & Gerneſey, Chauſey, Aourney, Erme, & Serke, Conſtantienſis Dioeceſis, Provinciæ Rothomagenſis, quæ ſub ſuo Temporali Dominio exiſtunt, Epiſcopo Conſtantienſi pro tempore exiſtenti in Spiritualibus ſubeſſe noſcuntur, & propter diſſentiones quæ inter Anglicos & Gallos ſæpenumerò vigent, ſtatui præfati Henrici & pro tempore Regis Angliæ exiſtentis, non modicum periculum imminere poſſet, dictarumque Inſularum incolæ in Viſitationibus, & aliis Spiritualibus, maxima pati poſſent detrimenta, nec expediat quod Inſulæ prædictæ a Gallis viſitentur, & propterea pro ſecuritate, quiete & tranquillitate præfati Regis, Statuſq; ſui, neceſſe ſit ut Inſulæ prædictæ a Juriſdictione præfati Epiſcopi diſmembrentur & ſeparentur, ac Epiſcopo Wyntonyenſi pro tempore exiſtenti (cujus Diœceſis dictæ Inſulæ ſunt vicinæ) perpetuò ſubjiciantur, quemadmodum aliàs Villa Caleſiæ, olim Archiepiſcopo Turonenſi ſubjecta, ab ipſo Turonenſi Archiepiſcopo exempta, & Archiepiſcopo Cantuarienſi pro tempore exiſtenti Apoſtolicâ Auctoritate ſubjecta fuit: Nos qui ſcandalis & diſſentionibus ne eveniant, quantum cum Deo poſſumus, libenter obvia-

* La Hogue is not in St. Saviour, but in the Pariſh of Grouville.

mus, hujuſmodi ſupplicationibus inclinati, Inſulas prædictas, illarumque incolas & habitatores, tam Eccleſiaſticos quam Seculares, a Juriſdictione præfati Conſtantienſis Epiſcopi, Auctoritate Apoſtolicâ, tenore Præſentium, perpetuò eximimus & ſeparamus, ac dicto Epiſcopo Wyntonienſi ſubjicimus, applicamus, & appropriamus; diſtrictius inhibentes præfato Epiſcopo Conſtantienſi, ne de coetero de Inſulis prædictis, illarumque incolis & habitatoribus, ſe intromittere, ac ullam in eos Juriſdictionem exercere quoquo modo præſumat, ac decernentes exnunc irritum & inane, ſi ſecus ſuper his a quoquam quavis Auctoritate, ſcienter vel ignoranter, contigerit attemptari. Non obſtantibus præmiſſis, necnon Subjectione per nos aliàs de dictis duabus Inſulis de Gerſey & Gerneſey, Epiſcopo Sariſburienſi pro tempore exiſtenti, ad ſupplicationem præfati Regis facta, quam de ipſius Regis conſenſu omnino revocamus, caſſamus, & annullamus, ac Apoſtolicis, necnon in Provincialibus & Sinodalibus conſiliis editis, generalibus vel ſpecialibus Conſtitutionibus & Ordinationibus, coeteriſque contrariis quibuſcunque. Nulli ergo omnino hominum liceat hanc paginam noſtræ exemptionis, ſeparationis, ſubjectionis, applicationis, appropriationis, inhibitionis, conſtitutionis, revocationis, caſſationis, & annullationis infringere, vel ei auſu temerario contraire. Siquis autem hoc attemptare præſumpſerit, indignationem Omnipotentis Dei, ac beatorum Petri & Pauli Apoſtolorum ejus, ſe noverit incurſurum. Datum Romæ apud Sanctum Petrum, anno Incarnationis Dominicæ milleſimo quadringenteſimo nonageſimo nono, tertiodecimo Kalendarum Februarii, Pontificatûs noſtri anno octavo.

L. Podocatharvs.

P. Tuba.

Super plicam

Alexander Papa Sextvs.

NUMBER X.

NUMBER X.

Canons and Conſtitutions Eccleſiaſtical for the Iſle of Jerſey.

JAMES R.

JAMES, by the Grace of God, King of England, France, and Ireland, Defender of the Faith, &c. To our right truſty and well-beloved Counſellor, the reverend Father in God Lancelot Biſhop of Winton; and to our truſty and well-beloved Sir John Peyton, Knight, Governor of our Iſle of Jerſey, and to the Governor of the ſaid Iſle for the time being; to the Bailiff and Jurats of the ſaid Iſle for the time being; and to the Officers, Miniſters, and Inhabitants of the ſaid Iſle for the time being; to whom it ſhall or may appertain, Greeting. Whereas we held it fitting heretofore, upon the admiſſion of the now Dean of that Iſland unto his Place, in the interim (until we might be more fully informed what Laws, Canons, or Conſtitutions, were meet and fit to be made and eſtabliſhed for the good Government of the ſaid Iſland in Cauſes Eccleſiaſtical, appertaining to the Eccleſiaſtical Juriſdiction) to command the ſaid Biſhop of Winton, Ordinary of the ſaid Iſland, to grant his Commiſſion unto David Bandinel, now Dean of the ſaid Iſland, to exerciſe the Eccleſiaſtical Juriſdiction there, according to certain Inſtructions ſigned with our Royal Hand, to continue only until we might eſtabliſh ſuch Conſtitutions, Rules, Canons, and Ordinances, as we intended to ſettle for the regular government of that our Iſland in all Eccleſiaſtical Cauſes, conformed to the Eccleſiaſtical government eſtabliſhed in our Realm of England, as near as conveniently might be: And whereas alſo to that purpoſe our Pleaſure was, that the ſaid Dean, with what convenient ſpeed he might, after ſuch Authority given unto him as aforeſaid, and after his arrival into that Iſland, and the publick notice given of his admiſſion unto the ſaid Office, ſhould, together with the Miniſters of that our Iſle, conſider of ſuch Canons and Conſtitutions as might be fitly accommodated to the Circumſtances of Time and Place, and the Perſons whom they concern, and that the ſame ſhould be put into order, and intimated to the Governor, Bailiffs, and Jurats of that our Iſle, that they might offer to us and to our Council ſuch Exceptions, and give ſuch Informations touching the ſame, as they ſhould think good: And whereas the ſaid Dean and Miniſters did conceive certain Canons, and preſented the ſame unto us on the one part, and on the other part the ſaid Bailiff and Jurats excepting againſt the ſame, did ſend and depute Sir Philip de Carteret, Knight, Joſhua de Carteret, and Philip de Carteret, Eſquires,

three

three of the Jurats and Juſtices of our ſaid Iſle; all which Parties appeared before our right truſty and well-beloved Counſellors, the moſt reverend Father in God the Lord Archbiſhop of Canterbury, the right reverend Father in God the Lord Biſhop of Lincoln, Lord Keeper of our Great Seal of England, and the right reverend Father in God the ſaid Lord Biſhop of Winton, to whom we gave Commiſſion to examine the ſame, who have accordingly heard the ſaid Parties at large, read, examined, corrected and amended the ſaid Canons, and have now made Report unto us under their hands, that by a mutual conſent of the ſaid Deputies and Dean of our Iſland, they have reduced the ſaid Canons and Conſtitutions Eccleſiaſtical into ſuch Order as in their judgment may well fit the State of that Iſland: Know ye therefore, that we out of our Princely Care of the quiet and peaceable government of all our dominions, eſpecially affecting the Peace of the Church, and the Eſtabliſhment of true Religion, and Eccleſiaſtical Diſcipline, in one uniform Order and Courſe throughout all our Realms and Dominions, ſo happily united under us as their Supreme Governor on Earth, in all Cauſes as well Eccleſiaſtical as Civil, having taken conſideration of the ſaid Canons and Conſtitutions, thus drawn, peruſed, and allowed as aforeſaid, do by theſe Preſents ratify, confirm, and approve thereof: And further, We, out of our Princely Power and Regal Authority, do by theſe Preſents ſigned with our Royal Hand, and ſealed with our Royal Signet, for us, our Heirs and Succeſſors, will and command, that the ſaid Canons and Conſtitutions hereafter following, ſhall from henceforth in all points be duly obſerved in our ſaid Iſle, for the perpetual government of the ſaid Iſle in Cauſes Eccleſiaſtical; unleſs the ſame, or ſome part or parts thereof, upon further experience and trial thereof, by the mutual conſent of the Lord Biſhop of Winton for the time being, the Governor, Bailiff, and Jurats of the ſaid Iſle, and of the Dean and Miniſters, and other our Officers of our ſaid Iſle, for the time being, repreſenting the Body of the ſaid Iſle, and by the Royal Authority of Us, our Heirs, or Succeſſors, ſhall receive any Additions or Alterations, as Time and Occaſion ſhall juſtly require. And therefore we do further will and command the ſaid right reverend Father in God, Lancelot now Lord Biſhop of Winton, that he do forthwith, by his Commiſſion under his Epiſcopal Seal, as Ordinary of that Place, give Authority unto the ſaid now Dean, to exerciſe Eccleſiaſtical Juriſdiction in our ſaid Iſle, according to theſe Canons and Conſtitutions thus made and eſtabliſhed.

DE LA SOVERAINETE DU ROY.*

Premierement, ſelon le devoir que nous devons a la tres excellente Majéſte du Roy, il eſt ordonné que le Doyen & Miniſtres, ayans Cure des Ames, ſeront tenus un chaſcun de tout leur pouvoir, ſçavoir, & cognoiſſance, d'enſeigner, mettre en evidence, & declarer, & purement & ſincerement, ſans aucune feintiſe ou diſſimulation, & le plus ſouvent que faire ſe pourra, & que les occaſions s'en preſenteront, que toute Puiſſance Forreine, eſtrangere, & uſurpée, pourautant qu'elle n'a aucun fondement en la Parole de Dieu, eſt totalement, pour bonnes & juſtes cauſes, oſtée & abolie; & par conſequent que nulle ſorte d'obeiſſance ou ſubjection, dedans les Royaumes & dominions de ſa Majeſté, ne'eſt deûe a aucune telle Puiſſance; ains que la Puiſſance du Roy dedans les Royaumes d'Angleterre, d'Ecoſſe, & d'Irlande, & autres ſes Dominions & Contrées eſt la plus haute Puiſſance ſous Dieu, a laquelle toutes Perſonnes, habitans & natifs dans icelles, doivent par la loy de Dieu toute fidelité & obeiſſance, avant & par deſſus toute autre Puiſſance.

2. Quiconque affermera & maintiendra, que la Majeſté du Roy n'a la meme Authorité en Cauſes Eccleſiaſtiques, comme entre les Juifs ont eû les Rois religieux, & les Empereurs Chriſtiens en

OF THE KING'S SUPREMACY.

Firſt, according to the duty we owe to the King's moſt excellent Majeſty, it is ordained that the Dean and Miniſters, having Cure of Souls, ſhall be obliged to the utmoſt of their power, knowledge, and learning, purely and ſincerely, without feigning or diſſembling, and as often as they may, and occaſions ſhall offer themſelves, to teach, publiſh, and declare, that all Foreign, ſtrange, and uſurped Power, foraſmuch as it has no foundation in the Word of God, is wholly, for good and juſt cauſes, taken away and aboliſhed; and that conſequently no manner of obedience or ſubjection is due, within the Kingdoms and Dominions of his Majeſty, to any ſuch Power; but that the King's Power within the Kingdoms of England, Scotland, and Ireland, and other his Dominions and Countries, is the higheſt Power under God, to which all Perſons, natives and inhabitants within the ſame, do by God's Law owe all loyalty and obedience, before and above all other Power.

2. Whoſoever ſhall affirm and maintain, that the King's Majeſty has not the ſame Authority in Cauſes Eccleſiaſtical, which godly Kings had among the Jews, and Chriſtian Emperors in the Primi-

* The Canons are originally in French, and the Engliſh in the oppoſite column is only a tranſlation.

l'Egliſe

l'Egliſe Primitive; ou quiconque donnera aucun empeſchement, en quelque maniere que ce ſoit, a la Souveraineté du Roy eſdites Cauſes; & quiconque affermera que l'Egliſe d'Angleterre, comme elle eſt eſtablie ſous la Majeſté du Roy, n'eſt une vraie & Apoſtolique Egliſe, enſeignant purement la Doctrine des Prophetes & Apoſtres; ou quiconque impugnera le Gouvernement de ladite Egliſe qui eſt par les Archeveſques, Eveſques, & Doyens, l'affirmans eſtre de l'Antechriſt; quil ſoit excommunié *ipſo facto*, & non reſtabli que par le Doyen en Cour ſeante, aprez ſa repentance & revocation publique de ſon erreur.

tive Church; or whoſoever ſhall, in any manner of way, impeach or obſtruct the King's Supremacy in the ſaid Cauſes; and whoſoever ſhall affirm that the Church of England, as it is eſtabliſhed under the King's Majeſty, is not a true and Apoſtolical Church, purely teaching the Doctrine of the Prophets and Apoſtles; or whoſoever ſhall impugne the Government of the ſaid Church, which is by Archbiſhops, Biſhops, and Deans, affirming it to be Anti-chriſtian; let him be *ipſo facto* excommunicated, and not reſtored but by the Dean in open Court, after his repentance and publick recantation of his error.

DU SERVICE DIVIN.

3. Il eſt enjoint a toutes ſortes de Perſonnes, de ſe ſouſmettre au Service Divin, contenu au Livre des Communes Prieres de l'Egliſe d'Angleterre; & quant aux Miniſtres, ils ſeront obligés d'obſerver avec uniformité ladite Liturgie, ſans addition ou alteration; & ne ſouffrira on aucun Conventicule, ou Congrégation, pour faire Secte apart, ou ſe diſtraire du Gouvernement Eccleſiaſtique eſtabli en l'Iſle.

OF DIVINE SERVICE.

3. It is enjoined unto all ſorts of Perſons, to ſubmit to the Divine Service, contained in the Book of Common Prayer of the Church of England; and as for the Miniſters, they ſhall be obliged to obſerve with uniformity the ſaid Liturgy, without addition or alteration; and no Conventicle or Congregation ſhall be ſuffered to make Sect apart, or withdraw themſelves from the Eccleſiaſtical Government eſtabliſhed in the Iſland.

4. Le Jour du Dimanche ſera ſanctifié par Exerciſes de Prieres Publiques, & oûye de la Parole de Dieu; ſera un chaſcun tenu de s'y ranger a heure convenable, & obſerver l'ordre & bienſéance à ce requiſe; ſe rendans attentifs à

4. The Lord's Day ſhall be hallowed by the Exerciſes of Public Prayer, and hearing of God's Word; whereat every one ſhall be bound to aſſiſt at a convenient hour, and to obſerve the order and decency in that caſe requiſite; being at-

la

la Lecture & Prédication, eſtans a genoux durant les Prieres, & ſe tenans debout à la Confeſſion de Foy, & doivent teſtifier leur Conſentement & Participation en diſant *Amen*. Et partant durant aucune partie du Service Divin, les Surveillans ne permettront aucune interruption ou empeſchement par inſolence ou devis d'aucune perſonne, ſoit au Temple ou Cimetiere.

tentive at the reading and preaching of the Word, kneeling on their knees during the Prayers, and ſtanding up at the Confeſſion of Faith, and ſhall teſtify their Conſent and Participation in ſaying *Amen*. And in purſuance thereunto, during any part of Divine Service, the Church-Wardens ſhall not ſuffer any interruption or hindrance to be made by the inſolence or talk of any perſon, either in Church or Church-yard.

5. Il y aura Exercice Public en chacune Paroiſſe les Mecredys & Vendredys Matin par la lecture des Communes Prieres.

5. There ſhall be Divine Service in every Pariſh on Wedneſday and Friday Mornings, by reading of the Common Prayer.

6. Quand quelque urgente Occaſion requerra de cèlebrer un Jeuſne Extraordinaire, le Doyen avec l'avis des Miniſtres en avertira le Gouverneur, & le Magiſtrat Civil, à ce que par leur Conſentement & Authorité il ſoit obſervé généralement, pour appaiſer le couroux & ire de Dieu, par une vraye & ſerieuſe Repentance.

6. When any urgent Occaſion ſhall require an Extraordinary Faſt to be celebrated, the Dean with the advice of the Miniſters ſhall give notice thereof to the Governor, and to the Civil Magiſtrate, to the end that by their Conſent and Authority it may be generally obſerved, for the appeaſing of the wrath and indignation of God, by a true and ſerious Repentance.

DU BAPTESME.

OF BAPTISM.

7. Le Bapteſme ſera adminiſtré en l'Egliſe avec eau pure & commune, ſuivant l'Inſtitution de Jeſus Chriſt, & ſans limitation de jours; & nul ne différera de

7. Baptiſm ſhall be adminiſtered in the Church * with fair and common water, according to the Inſtitution of Jeſus Chriſt, and without limitation of

* The irregular practice of baptizing at home, without neceſſity, is not yet grown to be the faſhion here.

preſenter ſon enfant au Bapteſme plus outre que le prochain Dimanche, ou Aſſemblée Publique, s'il ſe peut faire commodément; & ne pourra aucun eſtre receû à y preſenter enfant s'il ne communique à la Sainte Céne; Et ne pourront les femmes ſeules eſtre Marraines.

days; nor ſhall any delay the bringing of his child to Baptiſm longer than the next Sunday, or Publick Aſſembly, if it may conveniently be done; and no one ſhall be admitted to be a Godfather that does not partake of the Holy Communion.* Women alone ſhall not be allowed to be Godmothers.†

DE LA CENE.

8. En chaque Egliſe la Sainte Céne ſe célèbrera quatre fois l'An, dont l'une ſera à Paſques, & l'autre à Noel; & chaque Miniſtre en l'Adminiſtration de la Céne, recevra premierement le Sacrament, & baillera le pain & le vin à un chaſcun Communiquant, en uſant les Mots de l'Inſtitution.

9. Tous Péres & Maiſtres de Famille ſeront exhortés & enjoints de faire inſtruire leurs Enfans & Domeſtiques en la cognoiſſance de leur Salut, & pour ce faire auront ſoin de les envoyer aux Catéchiſmes ordinaires.

OF THE LORD'S SUPPER.

8. The Lord's Supper ſhall be adminiſtered in every Church four times a Year, whereof one ſhall be at Eaſter, and the other at Chriſtmas; and every Miniſter in the Adminiſtration of the ſaid Supper, ſhall firſt receive the Sacrament himſelf, and afterwards diſtribute the Bread and Wine to each of the Communicants, uſing the Words of the Inſtitution.

9. All Fathers and Maſters of Families ſhall be exhorted and enjoined to cauſe their Children and Domeſticks to be inſtructed in the Knowledge of their Salvation, and to this end ſhall take care to ſend them to the ordinary Catechiſings.‡

* This good rule is ſtrictly obſerved, inſomuch that one from another pariſh offering himſelf for Godfather, muſt bring a certificate from his miniſter that he is a conformable perſon and a communicant.

† Viz. Without a Man to be Godfather.

‡ By this is meant, both Publick Catechizing at Church, and ſuch further Examination as every Candidate for the bleſſed Sacrament of the Lord's Supper muſt undergo in particular from the Miniſter.

DU MARRIAGE.

10. Aucun ne ſe marriera contre les Degrés qui ſont prohibés par la Parole de Dieu; ſelon qu'ils ſont exprimés en la Table faite par l'Egliſe d'Angleterre, ſur peine de Nullité & Cenſure.

11. Les Annonces ſe feront par trois Dimanches conſècutifs aux Paroiſſes des Parties, & ſera obligée la Partie de l'autre Paroiſſe où le Marriage ne ſera celebrè d'apporter Atteſtation de la Publication de ſes Annonces en ſa Paroiſſe. Neantmoins ſur cauſes légitimes on pourra avoir Licence & Diſpenſation dès dites Annonces par l'authorité du Doyen, qui prendra ſuffiſante Caution de la Liberté des Parties.

12. Il ne ſe fera aucune Separation *à Thoro & Mensâ* qu'a cauſe d'Adultère, cruauté, & danger de Vie, dûement prouvés, & ce à l'Inſtance des Parties: & pour l'Alloûance de la Femme durant la Sèparation, elle aura recours au Bras Séculier.

DES MINISTRES.

13. Nul qui ne ſoit propre à enſeigner, & capable de Preſcher la Parole de Dieu, ne ſera admis en aucun Bènèfice de l'Iſle; & qui n'ait receû l'Impoſition des Mains, & Ordination, ſelon la Forme de l'Egliſe d'Angleterre.

OF MARRIAGE.

10. None ſhall marry contrary to the Degrees prohibited by the Word of God; as they are expreſſed in the Table made by the Church of England, on pain of Nullity and Cenſure.

11. The Bans ſhall be publiſhed three Sundays ſucceſſively in the Pariſh Church of both Parties, and the Party of the Pariſh where the Marriage is not celebrated ſhall be obliged to bring a Certificate of the Publication of his Bans in his own Pariſh. Nevertheleſs in lawful Caſes there may be Licence and Diſpenſation of the ſaid Bans given by the authority of the Dean, who ſhall take good Security of the Liberty of the Parties.

12. There ſhall be no Separation *à Thoro & Mensâ* but in caſe of Adultery, Cruelty, and Danger of Life, duly proved, and this at the Inſtance of the Parties: and as for the Maintenance of the Woman during the Separation, ſhe ſhall have recourſe to the Secular Power.

OF MINISTERS.

13. No man that is not fit to Teach, nor able to Preach the Word of God, ſhall be admitted to any Benefice within the Iſland; or that has not received Impoſition of Hands, and been ordained, after the Form uſed in the Church of England.

14. Nul,

14. Nul, ne Doyen ne Miniſtre, ne pourra occuper enſemble deux Bènèfices, ſi non en temps de Vacance; & ſeront les Originaires, ou Natifs de l'Iſle, prèfèrès au Miniſtère.

14. None, either Dean or Miniſter, ſhall hold two Benefices together, unleſs in time of Vacancy; and the Originaries, or Natives of the Iſland, ſhall be preferred before others to the Miniſtery.

15. Les Miniſtres au jour de Dimanche après les Priéres Publiques expliqueront le Matin quelque Paſſage de l'Eſcriture Sainte; & Apréſmidy traiteront les Points de la Religion Chreſtienne contenus au Catéchiſme du livres des Communes Prieres.

15. The Miniſters every Sunday after the Publick Morning Prayers ſhall expound ſome Place of Holy Scripture; and in the Afternoon ſhall handle ſome Points of the Chriſtian Religion contained in the Catechiſm of the Book of Common Prayer.

16. En leur Prieres ils obſerveront les Titres qui appartiennent au Roy, le recognoiſſans Souverain Governeur ſous Chriſt en toutes Cauſes & ſur toutes Perſonnes, tant Eccleſiaſtiques que Civiles; recommendans la Proſpérité de ſa Perſonne, Eſtat, & Poſterité Royale.

16. In their Prayers they ſhall obſerve the titles which are due to the King, acknowledging him Supreme Governor under Chriſt in all Cauſes and over all Perſons, as well Eccleſiaſtical as Civil; recommending [unto God] the Proſperity of his Royal Perſon, Eſtate, and Poſterity.

17. Un chaſcun des Miniſtres adviſera diligemment de démonſtrer la bienséance & gravité en habits qui conviennent à ſa Charge, & qui préſervent le Reſpect deû à ſa Perſonne; & feront auſſy circonſpects en tout le cours de leur vie de ſe preſerver de telles compagnies, actions, & hantiſes de places, qui leur puiſſe apporter blaſme ou fleſtriſſeure; & partant ne deſhonoreront leur Robe par Jeux, Tavernes, Uſures, Compagnies, & Occupations qui ne conviennent à leur Fonction; ains s'eſtudieront à exceller par deſſus les autres en pureté de Vie, Gravité, & Vertu.

17. Every one of the Miniſters ſhall be careful to ſhew that decency and gravity of Apparel which become his Profeſſion, and may preſerve the Reſpect due to his Perſon; and they ſhall be very circumſpect in the whole courſe of their Lives to keep themſelves from ſuch company, actions, and haunts, as may bring any blame or blemiſh upon them; nor ſhall they diſhonour their Calling, by Games, Taverns, Uſuries, Trades, or Occupations not befitting their Function; but ſhall ſtudy to excell others in Purity of Life, Gravity, and Vertue.

18. Ils

18. Ils auront ſoin que Regiſtre ſoit gardé des Bapteſmes, Marriages, & Enterrements; & ſeront obligés de publier au jour qui leur ſera appointé, les Ordonnances de la Cour, qui leur ſeront envoyées ſignées & ſéelées du Doyen, leur eſtans delivrées quinze jours avant la Publication.

18. They ſhall take care that a Regiſter be kept of Chriſtnings, Marriages, and Burials; and ſhall be obliged to publiſh on the Day that ſhall be appointed them, the Ordinances of the Court, which ſhall be ſent to them ſigned and ſealed by the Dean, they being delivered to them fifteen days before the Publication.

19. Les Miniſtres ſeront avertis en temps convenable pour aſſiſter aux Enterrements qui ſe feront en leur Paroiſſes, & là obſerveront la Forme preſcrite au Livre des Communes Prieres; & nul ne ſera enterré dans le Temple ſans congé du Miniſtre, qui aura égard à la Qualité des Perſonnes, enſemble à ceux qui ſont Bienfaiteurs à l'Egliſe.

19. The Miniſters ſhall have notice in convenient time to aſſiſt at ſuch Burials as ſhall be in their Pariſhes, whereat they ſhall obſerve the Form preſcribed in the Book of Common-Prayer; and none ſhall be interred within the Church without leave of the Miniſter, who ſhall have regard to the Quality of the Perſons, and withal to thoſe that are Benefactors to the Church.

DU DOYEN.

OF THE DEAN.

20. Le Doyen ſera Miniſtre de la Parole de Dieu, eſtant Maiſtre aux Arts, ou gradué au Droict Civil pour le moins; ayant les Dons pour exercer la dite Charge, de bonne vie & converſation, & bien affectionné & zelé à la Religion & ſervice de Dieu.

20. The Dean ſhall be a Miniſter of the Word of God, being a Maſter of Arts, or Graduate in the Civil-Law at the leaſt; having Abilities to exerciſe the ſaid Office, of good Life and Converſation, zealous and well affected to Religion and the Service of God.

21. Le Doyen, aux Cauſes qui ſe traiteront en Court, demandera l'Advis & Opinion des Miniſtres qui pour lors ſeront preſents.

21. The Dean, in Cauſes which ſhall be handled in Court, ſhall aſk the Advice and Opinion of the Miniſters who ſhall then be preſent.

22. Il aura la connoiſſance de toutes choſes qui concernent le Service de Dieu,

22. He ſhall have the Cognizance of all Matters which concern the Service of

prédication

prédication de la Parole, Adminiſtration des Sacremens, Cauſes Matrimoniales, Examen & Cenſure de tous Papiſtes, Récuſans, Hérétiques, Idolatres, & Schiſmatiques, Parjures en Cauſes Eccleſiaſtiques, Blaſphemateurs, ceux qui ont recours aux Sorciers, Inceſtueux, Adultéres, Paillards, Yvrognes ordinaires, & publics Profanateurs du Sabbat; comme auſſy la Profanation des Temples & Cimetieres, du Meſpris & Offenſes commiſes en Court, ou contre aucuns des Officiers d'icelle en exécution des Mandats de la Court; des Divorces, & Separation à *Thoro & Mensâ*; avec pouvoir de les cenſurer & punir ſelon les Loix Eccleſiaſtiques, ſans exclurre la Puiſſance du Magiſtrat Civil au regard de la Punition Corporelle pour les dits Crimes.

God, the Preaching of the Word, Adminiſtration of the Sacraments, Matrimonial Cauſes, the Examination and Cenſure of all Papiſts, Recuſants, Hereticks, Idolaters, and Schiſmaticks, Perſons perjured in Cauſes Eccleſiaſtical, Blaſphemers, ſuch as have recourſe to Wizzards, Inceſtuous Perſons, Adulterers, Fornicators, common Drunkards, and publick Prophaners of the Lord's Day; as alſo of the Prophanation of Churches and Church-yards, Contempt and Offences committed in Court, or againſt any Officers thereof in the execution of the Mandats of the Court; of Divorces, and Separation à *Thoro & Mensâ*; with Power to cenſure and puniſh them according to the Eccleſiaſtical Laws, without Prejudice to the Power of the Civil Magiſtrate in regard of Bodily Puniſhment for the ſaid Crimes.

23. Le Doyen accompagné de deux ou trois Miniſtres viſitera une fois en deux Ans chaque Paroiſſe en ſa Perſonne, & donnera ordre quil y ait Preſche le jour de la Viſitation, ou par ſoy même, ou par quelquun par luy appointé; & ſe fera ladite Viſitation pour ordonner que toutes choſes appartenantes à l'Egliſe, au Service de Dieu, & Adminiſtration des Sacremens, ſoyent pourveûes par les Surveillans; & le Temple, Cimetiere, & Maiſon Preſbyteriale ſoyent entretenues & reparées: Et auſſy recevra Information des dits Surveillans (ou faute à iceux à faire leur devoir) du Miniſtre, de toutes of-

23. The Dean accompanied by two or three Miniſters ſhall once in two Years viſit every Pariſh in perſon, and ſhall give order that there be a Sermon on the Viſitation-day, either by himſelf, or ſome other by him appointed; which Viſitation ſhall be made for the ordering that all things appertaining to the Church, the Service of God, and the Adminiſtration of the Sacraments, be provided by the Church-Wardens, and that the Church, Church-Yard, and Parſonage-Houſe be maintained and repaired: And likewiſe ſhall receive information from the ſaid Church-Wardens, or (if they

fences

fences & abus qui ſeront à reformeren aucun, ſoit Miniſtre, Officiers de l'Egliſe, ou autres de la Paroiſſe; & recevra ledit Doyen pour la dite Viſitation 40 ſols de la Rente du Threſor à chaque fois.

ſhould fail in doing their Duty) from the Miniſter, of all Offences and Abuſes which need to be reformed, whether in the Miniſter, Officers of the Church, or others of the Pariſh; and the ſaid Dean for the ſaid Viſitation ſhall each time receive 40 Sols out of the Treaſury of the Church.

24. En cas de Vacance d'aucun Bénéfice, ſoit par mort, ou autrement, le Doyen donnera ordre preſentement que les Fruits d'iceluy Bénéfice ſoint ſequeſtrés, & que du provenu d'iceux la Cure ſoit ſupplée; & auſſy que la Veuve ou Heritiers du Deffunct reçoivent ſelon la proportion du temps de ſon Service, ſuivant à l'Uſage de l'Iſle, ſauf ce qui ſeroit neceſſaire à deduire pour les Delapidations, s'il y en à; & donnera Terme convenable, à la Veuve du Deffunct de ſe pourvoir de Domicile; & baillera ce qui ſera de reſidu au prochain Incumbant, auquel le Sequeſtrataire en rendra compte.

24. In caſe of Vacancy of any Benefice, either by Death, or otherwiſe, the Dean ſhall give preſent order that the Profits of the ſaid Benefice be ſequeſtered, and that out of the produce thereof the Cure be ſupplied; and alſo that the Widow or Heirs of the Deceaſed be ſatisfied in proportion to the Time of his Service, according to the Cuſtom of the Iſland, with ſuch neceſſary deductions as muſt be made for Dilapidations, if there be any; and ſhall give convenient Time to the Widow of the Deceaſed to provide herſelf of a Dwelling; and ſhall diſpoſe of the Reſidue to the next Incumbent, to whom the Sequeſtrator ſhall be accountable.

25. Sur lá méſme occaſion de Vacance d'aucun Bénéfice, ſi dans ſix mois le Governeur ne preſente aucun au Revérend Pére en Dieu l'Eveſque de Wincheſtre, ou en cas de vacance de ce Siége, au Trés Revérend Pére en Dieu l'Archeveſque de Canterbury, pour eſtre admis & Inſtitué audit Bénéfice, alors le Doyen certifiera du Temps de la Vacance aux

25. In the ſame Caſe of Vacancy of any Benefice, if within ſix Months the Governor does not preſent ſome perſon to the Right Reverend Father in God the Biſhop of Wincheſter, or in the Vacancy of that See, to the moſt Reverend Father in God the Archbiſhop of Canterbury, to be admitted and inſtituted to the ſaid Benefice, then the Dean ſhall

dio

dits Seigneurs Eveſque ou Archeveſque, ſelon qu'il eſcherra, à ce qu'ils ordonnent pour la collation du Bénéfice : & lors qu' aucun leur ſera Preſenté, le Doyen donnera Atteſtation du comport & ſuffiſance de la Partie, pour eſtre apprové par iceux, devant que d'eſtre admis actuellement par le Doyen en Poſſeſſion du dit Bénéfice.

give notice of the Time of the Vacancy to the ſaid Lords Biſhop or Archbiſhop, as it ſhall happen, to the end they may give order for collating to the Benefice: and when any ſhall be preſented to them, the Dean ſhall give Certificate of the behaviour and ſufficiency of the Party to be approved by them, before he be actually admitted by the Dean into Poſſeſſion of the ſaid Benefice.

26. Le Doyen aura l'Inſinuation & Approbation des Teſtamens, leſquels ſeront approuvés ſous le ſceau de l'Office, & Enregiſtrés ; Aura auſſy l'Enregiſtrement des Inventaires des Biens Meubles des Pupilles, deſquels il gardera fidéle Regiſtre, pour en donner Copie toutes fois & quantes qu'il en ſera requis. Item, baillero Lettres d'Adminiſtration des biens des Inteſtats, qui mourront ſans hoirs de leur Chair, au prochain heritier.

26. The Dean ſhall have the Entry and Probate of Wills * which ſhall be approved under the Seal of his Office, and Regiſtred ; He ſhall have alſo the Regiſtring of the Inventories of God's Mobiliary belonging to Orphans, whereof he ſhall keep a faithful Regiſter, that he may give Copies of them whenever he ſhall be required. Moreover, he ſhall give Letters of Adminiſtration of the Goods of Inteſtates, dying without Heirs of their Body, to the next of Kindred.

27. Ceux qui ſeront ſaiſis du Teſtament, ſoit Heritiers, Exécuteurs, ou autres, ſeront obligés de l'exhiber & apporter au Doyen dans un Mois ; faute dequoy ſeront convenus en Court par Mandat, en payant doubles Couſtages pour la Compulſoire ; & aura le dit Doyen pour les dits Teſtamens, Inventaires, & Lettres

27. They that have the Will in their Cuſtody, whether they be Heirs, Executors, or others, ſhall be obliged to exhibit and bring the ſame to the Dean within one Month ; in default whereof they ſhall be convened into Court by Mandate, paying double Charges for the Compulſory ; and the ſaid Dean ſhall have for the ſaid Wills,

* The Law which obtains here, Le mort ſaiſit le vif, the meaning whereof is, that the moment a Man dies, his Heir or Heirs ſtand ipſo facto veſted of all his Eſtate real and perſonal, that law (I ſay) leaves little room for the exerciſe of this part of the Dean's Juriſdiction concerning Probates of Wills and Letters of Adminiſtration.

d'Admi-

d'Adminiſtration, tels Droicts qui ſont ſpécifiés en la Table ſur ce fait.

Inventories, and Letters of Adminiſtration, ſuch Fees as are ſpecified in the Table made for that purpoſe.

28. Toutes Légations Mobiliaires faites à l'Egliſe, Miniſtres, Eſcoles, ou Pauvres, ſeront de la Cognoiſſance du Doyen; Mais ſur l'Oppoſition qui pourroit eſtre faite de la validité du Teſtament, la Court Temporelle en déterminera entre les Parties.

28. All Legacies Mobiliary made to the Church, Miniſters, Schools, or Poor, ſhall be of the Cognizance of the Dean; But upon any Oppoſition made concerning the Validity of the Will, the Civil Court ſhall determine it betwixt the Parties.

29. Il appartient au Doyen de cognoiſtre de toute Subſtraction de Dixmes affectées à l'Egliſe, de quelque eſpéce qu'elles ſoyent, qui ont eſté payées au Miniſtres, & dont ils ont jouy & ſont en poſſeſſion depuis quarante Ans; & toute perſonne convaincûe de ſubſtraction, fraude, ou detention d'icelles Dixmes, ſera adjugé à Reſtitution, avec les frais & couſtages de la partie; & pour la Conſervation de tous & chaſcun les Droicts Bénéficiaux, Dixmes, Rentes, Terres, & Poſſeſſions, il y aura un Terrier fait par le Bailly & Jurétz, aſſiſtés du Doyen & Procureur du Roy.

29. It appertains to the Dean to have cognizance of all Subſtraction of Tythes belonging to the Church, of what kind ſoever they be, which have been paid to the Miniſters, and which they have enjoyed and have been poſſeſſed of forty years; and every Perſon convicted of Subſtraction, Fraud, or Detention of the ſaid Tythes, ſhall be adjudged to make Reſtitution, and pay the Coſt and Charges of the Party; and for the Preſervation of all and ſingular the Rights, Tythes, Rents, Lands and Poſſeſſions Beneficiary, there ſhall be a Terrier made by the Bailly and Jurats, aſſiſted by the Dean and King's Procurator.

30. Le Doyen aura liberte de faire choix d'un Deputé ou Commiſſaire, lequèl pourra exercer & ſuppléer la Charge & Office du Doyen entant que ſa Commiſſion le portera, & dont y aura Acte Authentique aux Rolles de la Court.

30. The Dean ſhall have power to make choice of a Deputy or Commiſſary*, who ſhall execute and ſupply the Place and Office of the Dean ſo far as his Commiſſion ſhall extend, of which there ſhall be an Authentick Act in the Rolls of the Court.

* Commonly called Vice-Doyen.

DES SURVEILLANS, AUTREMENT DITS GARDIENS DE L'EGLISE.

31. Chaſque ſemaine aprés Paſques, le Miniſtre & les Paroiſſiens de chaque Egliſe choſiront deux Surveillans, gens diſcrets, & de bonne Converſation, & des plus capables, ſcachans lire & eſcrire s'il eſt poſſible. Que ſi les dits Paroiſſiens ne peuvent accorder en l'Election, le Miniſtre aura pouvoir d'en nommer un, & les Paroiſſiens l'autre par la majeure Voix d'iceux; & ſeront puis aprés aſſermentés à la prochaine Court, & bien advertis de leur Devoir.

32. Le Devoir l'iceux ſera de voir que les Temples & Cimetieres ne ſoint profanés par aucuns Exercices ou Actions profanes, comme auſſy de ne permettre l'entrée du Temple à aucun Excommunié, duquel la Sentence à eſté Publiée en leur Paroiſſe: Et ſeront ſoigneux de Preſenter de temps en temps ceux qui negligent les Exercices Publics du Service Divin, & l'Uſage des ſaints Sacremens, & généralement tous Delicts qui ſont de Cognoiſſance Eccleſiaſtique; & bailleront les dites Preſentations ſous leur ſignes, & ne pourront eſtre contraints de Preſenter que deux fois par An.

33. Ils auront ſoin pareillement d'entretenir le Temple en bonne reparation, & les Cimetieres en bonne cloſture; & de voir que toutes choſes appartenantes à

OF THE CHURCH-WARDENS.

31. Every Week next after Eaſter, the Miniſter and People of each Pariſh ſhall chuſe two Church-Wardens, diſcreet Men, of good Converſation and Capacity, able to read and write if poſſible. If they cannot agree in the Election, the Miniſter ſhall have power to name one, and the Pariſhioners another by the majority of Voices; which two ſhall be ſworn in the next Court after, and there well admoniſhed of their duty.

32. Their Duty ſhall be to ſee that the Churches and Church-yards be not abuſed by any prophane Exerciſes or Actions, as alſo not to ſuffer any Excommunicated Perſon to come into the Church, after the Sentence has been publiſhed in their Pariſh: And they ſhall be careful to Preſent from time to time thoſe that neglect Divine Service, and the Uſe of the Holy Sacraments, and generally all Delinquencies that are of Eccleſiaſtical Cognizances, which Preſentations they ſhall exhibit under their Hands, nor ſhall they be conſtrained to Preſent above twice a year.

33. They ſhall have care moreover to keep the Church in good Repair, and the Church-Yards well fenced, and to ſee that all things appertaining to the Church,

l'Egliſe

l'Egliſe, à l'Adminiſtration de la parole & des Sacremens, ſoyent pourveûes & entretenûes de temps en temps ; comme ſont la Bible de la meilleure Tranſlation & en plus groſſes Lettres, le livre des Communes Prieres tant pour le Miniſtre que pour le Clerc ou Couſteur de la Paroiſſe, un livre de Parchemin pour enregiſtrer les Bapteſmes, Marriages & Enterremens, une Table convenable pour adminiſtrer la Sainte Cene, avec un Tapis pour mettre ſus durant le Service divin, des Fonds pour le Bapteſme, Coupes & Vaiſſeaux dédiéz ſeulement a cet Uſage, Nappes, Serviettes, avec un Coffre pour retirer les dites Utenſiles, un Tronc pour les Aumoſnes, un Tapis & Carreau pour la Chaire, & pourvoyront auſſy le Pain & le Vin de la Céne. Item, verront que les Brancs & Siéges ſoyent appropriés pour la Commodité du Miniſtre & des Paroiſſiens, & ce par l'advis & conſeil de leur Miniſtre ; & le tout des Rentes & Revenus du Threſor de l'Egliſe.

the Adminiſtration of the Wo d and Sacraments, be provided and maintained from time to time ; ſuch are, a Bible of the beſt Tranſlation and largeſt Character, the Book of Common-prayer both for the Miniſter and Clerk of the Pariſh, a Book of Parchment to regiſter the Chriſtnings, Marriages and Burials, a decent Table to adminiſter the Holy Supper, with a Carpet to cover it during Divine Service, Fonts for Baptiſm, Cups and Veſſels ſerving only to that Uſe, Table-cloths, Napkins, with a Cover wherein to keep the ſaid Utenſils, a Trunk or Box for Alms, a Cloth and Cuſhion for the Pulpit, and ſhall alſo provide the Bread and Wine for the Sacrament. Moreover, they ſhall ſee that the Pews and Seats be well fitted for the Conveniency of the Miniſter and Pariſhioners, and that with the Advice and Council of their Miniſter ; all this, out of the Rents and Revenues of the Treaſury of the Church.

34. Les dits Surveillans ſeront obligés de garder un bon & loyal compte dans un Livre de leur miſes & recéptes, & de l'emploite qu'ils feront des Deniers du Threſor ; lequel ſera banni de temps en temps ſelon la Couſtume, & ce entre les mains dés dits Surveillans, & Procureurs

34. The ſaid Church-Wardens ſhall be obliged to keep in a Book, a good and faithful account of their Diſburſements and Receipts, and of the Uſe they ſhall make of the Moneys of the Treaſury ; which ſhall be publiſhed* from time to time according to Cuſtom, and that in

* More properly, auctioned. For the Rents of the ſaid Treaſury being in little parcels, they are put up in an Aſſembly of the Pariſh, and he who bids higheſt has the collecting of them, with ſome ſmall profit to himſelf.

de la Paroiſſe, leſquels employront le dit Threſor pour les choſes neceſſaires & convenables a l'Egliſe, ou Bien Public ; ſe gouvernans par l'advis du Miniſtre & Principaux de la Paroiſſe en toutes choſes extraordinaires qui concernent la dite Paroiſſe ; & en cas d'Affaires Publiques, l'Aſſemblée des Eſtats leur preſcrira ce qui ſera trouvé expédient pour l'Utilité Publique : & devant qu'eſtre diſchargés, donneront advertiſſement aux Paroiſſiens pour oûir leur Comptes la Semaine de Paſques, leſquels ſeront Signés par le Miniſtre & Principaux de la Paroiſſe ; & ſi aucuns dés dits Paroiſſiens, ou autres, refuſent de payer les Rentes qu'ils doivent audit Threſor, les dits Procureurs & Surveillans, ou aucun d'iceux, les pourſuivront par les voyes Ordinaires de Juſtice : Mais cas advenant de Controverſe aux dits Accomptes, ou abus qui ſeroient à reformer, le Doyen & Miniſtre de la Paroiſſe où la dite Controverſe ou abus ſe trouvera, ſe joindront avec le Bailly & Juréts pour y donner Ordre convenable.

the Name of the ſaid Church-Wardens, and Procurators of the Pariſh, who ſhall employ the ſaid Treaſury in Things neceſſary and convenient for the Church, or the publick Good, governing themſelves by the advice of the Miniſter and Chief of the Pariſh in all things extraordinary which concern the ſaid Pariſh ; and in caſe of Publick Buſineſs, the Aſſembly of the States ſhall preſcribe to them what ſhall be found expedient for the common advantage : And before they quit their Charge, they ſhall give notice to the Pariſhioners that they may audit their Accounts in Eaſter-Week, which Accounts ſhall be ſigned by the Miniſter and Chief of the Pariſh : and if any of the ſaid Pariſhioners, or others, refuſe to pay the Rents they owe to the ſaid Treaſury, the ſaid Procurators and Church-Wardens, or any of them, ſhall proſecute them by the ordinary Ways of Juſtice : But in caſe of any Controverſy about the ſaid Accounts, or of any Abuſe to be reformed, the Dean and Miniſter of the Pariſh where the ſaid Controverſy or Abuſe ſhall be, ſhall joyn with the Bailly and Jurats to determine the ſame as ſhall be found convenient.

35. Leſdits Surveillans durant le Service Divin au jour de Dimanche viſiteront les lieux ſuſpects de Jeux & Diſſolutions ; & ayans le Conneſtable pour les aſſiſter, viſiteront paréillement les Tavernes & Maiſons de debauche.

35. The ſaid Church-Wardens during Divine Service on the Sunday, ſhall ſearch Places ſuſpected of Gaming, and riotous Practices ; and having the Conſtable to aſſiſt them, ſhall alſo ſearch Taverns, and tippling Houſes.

36. Ils

36. Ils auront ſoin qu'il ny ait aucune ſubſtraction & recellement des choſes appartenantes à l'Egliſe; comme auſſy ils ſe pourront ſaiſir, & pourſuivre tous dons & Legates Mobiliares faits à l'Egliſe & aux Pauvres, ſelon les loix du Pais.

36. They ſhall be careful that there be no with-holding or concealing of things appertaining to the Church; they may alſo ſeize into their hands, or ſue for the delivery of all Donations and Legacies Mobiliary made to the Church and Poor, according to the Laws of the Country.

37. Il y aura deux Collecteurs des Auſmoſnes des Pauvres en chaſque Paroiſſe, qui feront Office d'Aſſiſtans, & ſeront eſleus comme les Surveillans; & auront ſerment en Court pour ſe bien comporter en leur Charge: & rendront compte de leur Adminiſtration deux fois l'An par devant le Miniſtre & Paroiſſiens, ſçavoir eſt à Paſques & à la St. Michel.

37. There ſhall be two Collectors of the Alms for the Poor * in each Pariſh, who ſhall alſo diſcharge the Place of Sideſmen, and ſhall be choſen as the Church-Wardens; and ſhall be ſworn in Court to behave themſelves well in their Office: and ſhall give an Account of their Adminiſtration twice a Year before the Miniſter and Pariſhioners, viz. at Eaſter and at Michaelmas.

DES CLERCS, OU COUSTEURS.

38. Les Clercs ou Couſteurs des Paroiſſes ſeront choiſis par le Miniſtre & Principaux de la Paroiſſe, de l'age de XX ans pour le moins, de bonne vie & converſation, ſcachans lire poſément, diſtinctement, & intelligiblement, & eſcrire, & qui entendent aucunement le Chant des Pſeaumes, s'il eſt poſſible.

OF THE CLERKS OR SEXTONS.

38. The Clerks or Sextons of the Pariſhes ſhall be choſen by the Miniſter and Chief of the Pariſh, of the age XX years at the leaſt, of good Life and Converſation, able to read fairly, diſtinctly, and intelligibly†; and to write alſo, and ſomewhat qualified for the ſinging of the Pſalms, if it may be.

* They retain the name of Diacres, i. e. Deacons, and are Perſons choſen for their known Probity and Sobriety. The Office is honourable, and in a manner perpetual, not annual only as in England. No Pariſh-Officers have ſo near a relation to the Miniſter. They are particularly aſſiſtant to him at the Adminiſtration of the Holy Communion.

† This Qualification is ſpecially required of them, becauſe it has been uſual to put them to read the two Leſſons at Divine Service, for the eaſe of the Miniſter. They are of better account with us than the poor Clerks of Country-Pariſhes in England. Grave-digging is none of their buſineſs. They mark the Place, and the Relations of the deceaſed ſend Labourers of their own to make the Grave.

39. Leur

39. Leur Charge eſt d'appeller le Peuple par le ſon de la Cloche au Service Divin, & oûye de la Parole de Dieu, à heure propre & convenable ſuivant l'ordinaire; tenir le Temple fermé & net, comme auſſy les Bancs & la Chaire; conſerver les Livres, & autre choſes appartenantes à l'Egliſe dont ils auront la Charge; pourvoir l'Eau pour le Bapteſme, faire les Criées & Denonciations qui leur ſeront enjointes par la Court, ou par le Miniſtre; & auront leur Gages & Salaires par la Contribution des Paroiſſiens, ſoit en bled, froment, ou Argent, ſelon l'Uſage du Pais.

39. Their Buſineſs is by ringing of the Bell to call the People to Divine Service, and hearing of the Word of God, at a proper and convenient Hour, according to Cuſtom; to keep the Church ſhut and cléan; as alſo the Pews and Pulpit; to preſerve the Books, and other Things belonging to the Church whereof they ſhall have the Cuſtody; to provide Water for Baptiſm, and to make ſuch Proclamations and Denuntiations as ſhall be injoined them by the Court, or by the Miniſter; and ſhall receive their Wages and Salaries by Contribution of the Pariſhioners, whether in Corn or Mony, according to the Cuſtom of the Country.

DES MAISTRES D'ESCHOLE.

40. Il y aura un Maiſtre d'Eſchole en chaſque Paroiſſe, choſi par le Miniſtre, Surveillans, & principaux d'icelle, & par aprés preſenté au Doyen pour eſtre authorizé en cette Charge; & ne ſera loiſible à aucun de l'exercer ſans y eſtre ainſy apellé: & les Miniſtres auront ſoin de les viſiter, & exhorter à faire leur Devoir.

OF SCHOOL-MASTERS*.

40. There ſhall be a School-maſter in every Pariſh, choſen by the Miniſter, Church-Wardens, and principal Perſons thereof, and after that preſented to the Dean to be licenſed thereunto; and it ſhall not be lawful for any to exerciſe this Charge, not being in this manner called unto it: and the Miniſter ſhall take care to viſit them, and exhort them to do their Duty.

41. Ils uſeront de toute laborieuſe diligence à inſtruire les Enfans à lire, eſcrire, prier Dieu, reſpondre au Catéchiſme; les duiront aux bonnes Moeurs,

41. They ſhall uſe all painful Diligence to teach the Children to read, and write, ſay their Prayers, anſwer to the Catechiſm; they ſhall form them to good

* Theſe are not to be confounded with the Maſters of the Free-Shools. They bear a greater reſemblance to the Maſters of thoſe Charity-Schools which of late years have been ſet up in England.

les

les conduiront au Preſche, & Prieres Publiques, les y faiſant comporter comme il appartient.

Manners, ſhall bring them to Sermon, and Common-Prayers, ſeeing that they behave themſelves there as becometh.

DE LA COURT.

42. La Court ſe tiendra une fois la Semaine au Lundy, & obſervera les meſmes Termes de Vacations que la Court Civile.

OF THE COURT.

42. The Court ſhall be kept once a Week on the Monday, and ſhall obſerve the ſame Terms and Vacations as the Court Civil.

43. A chaſque Séance, au commencement d'icelle, les Noms des Aſſeſſeurs ſeront intitulés, le jour, & le mois, & les Sentence leües.

43. At every Seſſion, in the beginning thereof, the Names of the Aſſeſſors ſhall be enrolled, the Day, and the Month, and the Sentences read.

44. Aprés Jugement & Sentence donnée du Principal, les Couſtages des Parties, & ſubſtraction de ſalaire aux Officiers de la Court, ſe pourſuivront par les Cenſures Eccleſiaſtiques.

44. After Judgment and Sentence given in the principal Matter, the Coſts of the Parties, and the Fees of the Officers of the Court, ſhall be awarded by the Eccleſiaſtical Cenſures.

45. Il y aura deux Avocats deûement aſſermentés à la Court, afin que le Peuple puiſſe agir formellement & juridiquement, ſans confuſion ou ſurpriſe. Et le Greffier auſſi eſtant aſſermenté enregiſtrera fidélement la Sentence qui aura eſté prononcée, & baillera Copie des Actes à ceux qui le requerront.

45. There ſhall be two Advocates (or Proctors) duly ſworn to the Court, to the end the People may proceed formally and juridically, without confuſion or ſurprize. And the Greffier (or Regiſter) being alſo ſworn, ſhall faithfully record the Sentence which ſhall be pronounced, and ſhall give Copy of the Acts to ſuch as ſhall require it.

46. Le Procureur du Roy, & en ſon abſence l'Avocat, pourront aſſiſter de temps en temps a la Court, pour pourſuivre la Cenſure & Punition de toutes Cauſes de Crime & Scandale.

46. The King's Procurator, and in his abſence the Advocate, may be preſent from time to time in the Court, and there proſecute the Cenſure and Puniſhment of all Cauſes of Crime and Scandal.

47. Pour

47. Pour exécuter les Citations & Sémonces, le Doyen aſſermentera les Couſteurs des Paroiſſes, & un Appariteur, leſquels donneront fidéle Record de leurs Exploits, en donnant Copie des Citations & Mandats Originels à ceux qui le requerront, & en abſence de la Partie aux Domeſtiques; & les Cauſes de la Comparence ſeront exprimées dedans leſdites Citations & Mandats.

47. For executing or ſerving the Citations and Summons, the Dean ſhall ſwear the Clerks of the Pariſhes, and an Apparitor, who ſhall give a faithful report of their Proceedings, giving Copies of the Original Citations and Mandats to ſuch as ſhall require them, or in the abſence of them to their Domeſticks; and the cauſes of the Appearance ſhall be expreſſed in the ſaid Citations and Mandats

48. Si la Partie ne ſe trouve point, ſoit en ſe cachant, ou autre colluſion, la Citation ſera affichée à l'huis du Temple Paroiſſial d'icelle, en cas qu'il n'ayt aucun Domicile, & ce en jour de Dimanche.

48. If the Party be not found, as either concealing himſelf, or uſing ſome other Colluſion, the Citation ſhall be affixed, in caſe he has no ſettled Habitation, on the door of his Pariſh-Church, and that upon a Lord's Day.

49. S'il parvient aux oreilles du Doyen par Relation de gens de bien, que quelqu'un vit notoirement en quelque Scandale, il en pourra avertir le Miniſtre & les Surveillans de la Paroiſſe, afin que s'en eſtant informés, ils Preſentent telles perſonnes qui meritent d'eſtre punies ou Cenſurées.

49. If it comes to the knowledge of the Dean by the Report of honeſt Men, that any one liveth notoriouſly in ſome Scandal, he may advertiſe the Miniſter and Church-Wardens of the Pariſh, to the end that informing themſelves thereof, they may Preſent ſuch Perſons as deſerve to be puniſhed or cenſured.

50. Là où il conſtera de la faute commiſe par quelque Miniſtre, le Doyen, aprés Monition réitérée, procédera à la Reformation par l'Avis & Conſentement de deux Miniſtres, juſqu'a Suſpenſion & Sequeſtration: & en cas que ledit Miniſtre demeure refractaire, le Doyen procédera, par le Conſentement de la plus

50. Upon good Proof of a Fault committed by any Miniſter, the Dean, after repeated Admonitions, ſhall proceed to the Reformation of him, by the Advice and Conſent of two Miniſters, even unto Suſpenſion and Sequeſtration: and in caſe the ſaid Miniſter continues refractory, the Dean, by the Conſent of the part

part des Miniſtres preſents en l'Iſle, juſqu'a Déprivation.

51. On ne fera point de Commutation pour Pénitence ſinon avec grande circonſpection, ayant égard à la qualité des Perſonnes, & circonſtances des fautes; Et ſera la Commutation enregiſtrée ès Actes de la Court, pour eſtre employée aux Pauvres, & uſages pieux, & dont Accomptes ſeront rendus ſelon ledit Regiſtre.

52. Aprés la premiere Defaute, la Noncomparence de ceux qui ſeront derechef cités par Mandat ſera reputée Contumace; & ſi eſtans cités par aprés en Péremtoire ils ne comparoiſſent, on pourra procéder à l'encontre d'eux à l'Excommunication. Que ſi dans le prochain jour de Court la Partie ne fait devoir d'obtenir Abſolution, on procédera à la Publication de la Sentence, & Mineure Excommunication, laquelle ſera delivrée au Miniſtre de la Paroiſſe pour en faire lecture à jour Solennel, & à l'oûye de la plus part des Paroiſſiens aſſemblés; & la partie perſiſtent en ſon Endurciſſement, on procédera à la Majeure Excommunication, qui forcloſt le Pécheur *à Sacris & Societate Fidelium*. Que ſi cette Cenſure ne ſert pour l'induire a Obéiſſance & ſe ranger dans le Terme de quarante jours, alors le Doyen parſon Certificát authentique donnera avertiſſement au Bailly & Jurétz de ladite Contumace,

greater part of the Miniſters preſent in the Iſland, ſhall proceed even to Deprivation.

51. No Commutation ſhall be made for Penance but with great circumſpection, having regard to the Quality of the Perſons, and circumſtances of the Crimes; And the Commutation ſhall be enrolled in the Acts of the Court, in order to be laid out upon the Poor, and in Pious Uſes, and whereof account ſhall be given according to the ſaid Regiſter.

52. After the firſt Default, the Nonappearance of ſuch as ſhall be cited again by Mandate ſhall be reputed Contumacy; and if being afterwards peremptorily cited they do not appear, they may be proceeded againſt by Excommunication. If before the next Court-day the Party does not endeavour to obtain Abſolution, the Court ſhall proceed to the Publication of the Sentence, and Minor Excommunication, which ſhall be delivered to the Miniſter of the Pariſh to be read upon ſome ſolemn Day, and in the hearing of the greater part of the Pariſhioners aſſembled; and the Party perſiſting in his Obſtinacy, the Court ſhall proceed to the Major Excommunication, which excludes the Sinner *à Sacris & Societate Fidelium*. If this Cenſure cannot induce him to Obedience and Submiſſion within the Space of forty Days, then the Dean by his authentick Certificate ſhall give notice to the Bailly

 les

& les requerra en aſſiſtance de ſa Juriſdiction de le faire ſaiſir par les Officiers Civils, pour le rendre Priſonier en Détention Corporelle, juſqu'a ce quil ſe ſoit ſubmis, & obligé d'obtemperer à l'Ordonnance de l'Egliſe; & devant qu'eſtre abſous, ſera tenu de payer les frais & couſtages de la pourſuite de la Cauſe.

and Jurats of the ſaid Contumacy, and ſhall require them in ſupport of his Juriſdiction to cauſe him to be ſeized by the Civil Officers, and conſtituted Priſoner, under Bodily Detention, till ſuch time as he has ſubmitted, and obliged himſelf to obtemperate to the Ordinance of the Church; and before he be abſolved, he ſhall be bound to pay the Coſts and Charges of the Proſecution of the ſuit.

53. En Cauſes de Paillardiſe, ſur la Preſentation les Surveillans, avec les probabilités, commun bruit, ſcandale, & preſumptions à ce requiſes, la Partie ſera ſujette de ſubir le Serment de ſa Purgation, ou autrement ſera tenu pour convaincu.

53. In Cauſes of Incontinency, upon Preſentment of the Church-Wardens, together with Probabilities, common Fame, Scandal, and Preſumptions in this Caſe requiſite, the Party ſhall be ſubject to undergo Purgation upon Oath, or otherwiſe ſhall be held for convicted.

54. En Cas d'Adultére à l'Inſtance de Partie, on y procédera meurement par bonnes Preuves & Informations, pour avoir evidence du faict objecté; & le ſujet & prouve du fait le requerant, on pourra conclurre juſqu'a Séparation *à Thoro & Mensâ.*

54. In Caſe of Adultery at the Inſtance of either of the Parties, the Proceedings ſhall go on maturely, by good Proofs and Informations, in order to have Evidence of the Fact objected; and the Subject and Proof of the Fact requiring it, the Court may proceed to Separation *à Thoro & Mensâ.*

55. Là où il y aura Calomnie ou Diffamation prouvée, on fera recognoiſſance des injures ſelon l'exigence du Cas; pourveu que l'Action ne ſoit preſcrite par lapſe de temps, d'un an entier; & pourveu que le ſujet de l'Action ſoit de Crimes Eccleſiaſtiques cy devant ſpecifiés.

55. Upon Proof of Calumny or Defamation, the Party guilty ſhall make acknowledgment of the injury according to the exigency of the Caſe; provided the ſuit be proſecuted before Lapſe of Time, or that a Year be expired; and provided that the Matter of the Suit be of Crimes Eccleſiaſtical before ſpecified.

DES APPELLATIONS.

56. Les Appeaux en Cauſes Eccleſiaſtiques ſeront oûis & definis par le Révérend Pére en Dieu l'Eveſque de Wincheſtre en perſonne; & in cas de vacance de ce Siége, par le trés Révérend Pére en Dieu l'Archeveſque de Canterbury en perſonne.

57. Tout Appel s'interjettera dans quinze jours après cognoiſſance de la Sentence, & ſera la Partie obligée de prendre & exhiber tout le Procés, & Actes du Regiſtre ou Rolles de la Court; & leſquels Actes auſſy luy ſeront delivrés en forme & temps convenable, authentiqués ſous le ſceau de l'Office; & ſera l'Apellant ſujet de la pourſuivre dans an & jour, *aut Sententiæ latæ ſtare compellitur.*

58. Il ne ſera licite d'appeller qu'aprés Sentence Definitive de la Cauſe, ſinon pour ces deux égards; ou quand l'Interlocutoire eſt telle qu'elle met fin à la Cauſe; ou quand ladite Interlocutoire eſtant obéie elle apporte tel Domage irreparable à la Partie, qu'il ne peut eſtre amendé par Appel de la Definitive.

OF APPEALS.

56. Appeals in Cauſes Eccleſiaſtical ſhall be heard and determined by the Reverend Father in God the Biſhop of Winchester in Perſon; or in the vacancy of that See, by the moſt Reverend Father in God the Archbiſhop of Canterbury in Perſon.

57. Every Appeal ſhall be entered within fifteen Days after notice of the Sentence, and the Party ſhall be obliged to take out and exhibit the whole Proceſs, and Acts of the Regiſter or Rolls of the Court; which Acts ſhall alſo be delivered to him in Form and time convenient, authenticated under the Seal of the Office; and the Appellant ſhall be bound to proſecute his Appeal within a Year and a Day, *aut Sententiæ latæ ſtare compellitur.*

58. It ſhall not be lawful to appeal but after Sentence Definitive of the Cauſe, unleſs in theſe two Caſes; either when the Interlocutory is ſuch as puts an end to the Cauſe; or when the ſaid Interlocutory being obeyed brings ſuch irreparable Damage to the Party, that he cannot be relieved by Appeal from the Sentence Definitive.

*Table des Droicts appartenants au Doyen, & a ſes Officiers, pour toutes Cauſes Eccleſiaſtiques.**

Pour l'approbation des Teſtaments, où les biens du deffunct n'excederont la Valeur de 50 livres tournois de claro, au Doyen rien; au Grèffier pour l'eſcriture & enregiſtrement 5 ſols. Pour l'approbation des Teſtaments au deſſus de la valeur de 50 livres tournois, au Doyen 20 ſols, au Greffier 10 ſols.

Pour Lettres d'Adminiſtration, ou les biens du deffunct n'excederont la valeur de 50 livres tournois de claro, au Doyen rien; au Greffier pour l'eſcriture de ladite lettre 5 ſols. Pour Lettres d'Adminiſtration au deſſus de ladite ſomme, au Doyen 30 ſols, au Greffier 10 ſols.

Pour enregiſtrement des Inventoires des biens des Pupiles, la où ledit Inventoire ne ſe montera a 50 livres tournois, au Doyen rien; au Greffe pour ledit enregiſtrement 3 ſols. Pour enregiſtrement deſdits Inventoires excedants la ſomme de 50 livres tournois, au Doyen 20 ſols, au Greffe 10 ſols.

Pour Copie authentique deſdits Teſtaments, Lettres d'Adminiſtration, ou Inventoires, au Doyen pour ſon Sçeau 5 ſols, au Greffe 5 ſols. Pour le Compulſoire des Teſtaments, au Doyen & Appariteur 10 ſols.

Pour Diſpenſe des Bans de Marriage, au Doyen 30 ſols.

Pour la Sequeſtration des fruits d'aucun Benefice, au Doyen 60 ſols. Pour Induction des Miniſtres, au Doyen 30 ſols.

Pour les Mandats & Citations, au Doyen 2 ſols, au Greffe pour l'eſcriteur d'yceux, 1 ſol, a l'Appariteur pour executer les Citations ou Mandats 2 ſols 6 deniers, au Couſteur pour les citations qu'il fera dans ſa Paroiſſe 1 ſol.

* This Table of Fees is not thought neceſſary to be Engliſhed.

Au Doyen pour l'Abſolution de la Mineure Excommunication 10 Sols, au Greffe 2 ſols, a l'Appariteur 2 ſols 6 deniers.

Au Doyen pour l'Abſolution de la Grande Excommunication 20 ſols, au Greffier 5 ſols, a l'Appariteur 5 ſols.

Pour Cauſes entre Parties litigants, la Partie ſuccombante payera les ſalaires & droicts des Officiers, & 3 ſols par Acte a la Partie, & a chaſque Temoin produit en Court 3 ſols.

Aux Avocats de la Court, pour chaſque Cauſe qu'ils plaideront 5 ſols, au Greffe pour chaſque Acte de Court 1 ſol. Pour chaſque premiere deffaute en Court 1 ſol. Pour la Contumace 3 ſols.

Suivant ce que deſſus, eſt ordonné que le Doyen & ſes Succeſſeurs, ou aucuns des Officiers qui ſont à preſent, ou ſeront par cy aprés, ne pourront directement ny indirectement lever, exiger, ou recevoir des habitants de ladite Iſle, autres droicts & ſalaires que ceux qui ſont ſpecifiés en la Table cy deſſus eſcripte. Plus outre eſt ordonné, que ce qui à eſte par cy devant exercé & mis en execution en ladite Iſle, en quelques Cauſes que ce ſoit, par vertu d'aucune Juriſdiction Eccleſiaſtique, demeurera pour abrogé, pour ne pouvoir eſtre tiré en Preſident, par ledit Doyen ou aucuns de ſes Succeſſeurs, à exercer ou executer en temps à venir, contre ou autre la teneur deſdits Canons à preſent conceûs & ordonnés; mais que le tout ſoit rapporté & limité au contenu deſdits Canons & Conſtitutions Eccleſiaſtiques. Comme auſſy ne ſera donné aucun empeſchement par le Magiſtrat Civil de la-

Purſuant to what is above, it is ordained that neither the Dean nor his Succeſſors, nor any of the Officers who are now, or ſhall be hereafter, ſhall either directly or indirectly raiſe, exact, or receive from the Inhabitants of the ſaid Iſland, any other fees or ſalaries than thoſe which are ſpecified in the Table above-written. Moreover it is ordained, that what has been heretofore done and put in execution in the ſaid Iſland, in what Cauſes ſoever, by virtue of any Eccleſiaſtical Juriſdiction, ſhall remaine abrogated, ſo as not to be drawn into Precedent, by the ſaid Dean or any of his Succeſſors, to exerciſe or execute the ſame in time to come, contrary or beyond the tenor of the ſaid Canons now conceived and ordained; but that all be referred to and limited by the contents of the ſaid Canons and Conſtitutions Eccleſiaſtical. As alſo that there ſhall be no hinderance

dite

dite Iſle audit Doyen & ſes Succeſſeurs en l'execution paiſible de ladite Juriſdiction, au contenu d'iceux Canons, comme n'eſtans prejudiciables aux Privileges, Loix, & Coſtumes de ladite Iſle, auxquelles n'eſt entendu deroger. Donné ſous noſtre Signet (comme devant eſt dit) à noſtre Palais de Greenwich, le dernier jour de Juin, l'an de noſtre Regne d'Angleterre, France, & Irlande le vignt-unieme, & d'Ecoſſe le cinquante-ſixieme.

given by the Civil Magiſtrate of the ſaid Iſland to the ſaid Dean and his Succeſſors in the peaceable execution of the ſaid Juriſdiction, according to the Contents of the ſaid Canons, as not being prejudicial to the Priviledges, Laws, and Cuſtoms of the ſaid Iſland, to which it is not intended to derogate. Given under our Signet (as before is ſaid) at our Palace of Greenwich, the laſt day of June, in the year of our Reign of England, France, and Ireland the twenty-firſt, and of Scotland the fifty-ſixth.

G. Cant. *. Jo. Lincoln. C. S.† La Winton.§

NUMBER XI.

The Charter of King Henry VII. for the erection of the two Free-Schools.

Rex omnibus ad quos &c. ſalutem. Sciatis quod Nos certis de Cauſis & conſiderationibus, Nos & Conſilium noſtrum ſpecialiter moventibus, conceſſimus, & licentiam dedimus, pro Nobis & Hæredibus noſtris, dilectis ligeis noſtris, Johanni Néel Clerico, Decano Capellæ præchariſſimi filii noſtri primogeniti Arthuri Principis Walliæ, Ducis Cornubiæ, & Comitis Ceſtriæ; Vincentio Tehy, Mercatori Villæ noſtræ Southamptoniæ; Quod ipſi duo Gymnaſia infra Inſulam noſtram de Gersey, in locis ibidem magis convenientibus, de duobus Magiſtris ſive Didaſcalis, ac duobus Hoſtiariis ſub eiſdem ſi opus ſit, pro eruditione Puerorum in eadem Inſulâ exiſtentium, ibidem vel alibi oriundorum, in Grammaticâ, ac aliis inferioribus Scientiis Liberalibus, facere, fundare, ac ſtabilire poſſint, juxtà ordinationes, conſtitutiones, & ſta-

* George Abbot, Archbiſhop of Canterbury.
† John Williams, Biſhop of Lincoln, and Lord Keeper of the Great Seal.
§ Lancelot Andrews, Biſhop of Wincheſter.

bilimenta,

bilimenta, per præfatos Johannem & Vicentium in hac parte facienda, pro perpetuo duratura. Quodque iidem Magiſtri ſive Didaſcali, in ſingulis vacationibus eorundem Gymnaſiorum, per Decanum & Curatos ejuſdem Inſulæ pro tempore exiſtentes, vel per eundem Decanum & majorem partem eorundem Curatorum, eligantur, ac in realem poſſeſſionem eorundem de tempore in tempus ponantur per eoſdem. Præterea conceſſimus, & licentiam dedimus per Præſentes, eiſdem Johanni & Vicentio, quod ipſi, cùm Gymnaſia ſic fundata, erecta, & creata fuerint, quendam annualem reditum ſexaginta Quarteriorum frumenti * annuatim levandi ad Feſtum Sancti Michaelis de hæredibus præfatorum Johannis & Vincentij, ſeu eorum alteriûs, præfatis Magiſtris ſive Didaſcalis, quod ipſum dictum annualem redditum a præfatis Johanne & Vincentio & hæredibus ſuis prædictis, necnon quoſcunque annuales redditus frumentorum uſque ad numerum ducentorum Quarteriorum frumenti, ultra prædictum annualem redditum Sexaginta Quarteriorum, a quibuſcunque perſonis ea eis dare vel concedere volentibus, recipere poſſint, & tenere, ſibi & Succeſſoribus ſuis, in uſus ſuos proprios in perpetuum, ſimiliter licentium dedimus ſpecialem, aliquo Statuto, Actu, vel Ordinatione de redditibus ad manum mortuam non ponendis, ante hæc tempora in contrarium factis, editis, ſive ordinatis, in aliquo non obſtantibus. Nolentes quod Capitanei noſtri Inſulæ prædictæ, ſeu aliqui Officiarij vel Miniſtri noſtri ibidem, præterquam Decanus & Curati prædicti, de hujuſmodi electione, aut donatione, vel collatione Gymnaſiorum prædictorum, cùm vacaverint, nullatenus ſe intromittant. In cujus &c. T. R. apud Weſtm. decimo quinto die Novembris, anno Regni Regis Henrici Septimi duodecimo.

NUMBER XII.

A Table of the Wheat Rents belonging to the Treſors of the reſpective Pariſhes.

		Quart. Cab. Sixt.			Quart. Cab. Sixt.
St. Oûen	Church	30 : 00 : 00	St. John	Church	10 : 03 : 00
	Poor	26 : 00 : 00		Poor	10 : 05 : 00
St. Mary	Church	06 : 00 : 00	St. Peter	Church	35 : 01 : 03½
	Poor	11 : 01 : 00		Poor	13 : 00 : 03

* The preſent annual revenue of the two Schools ſtands thus. To St. Magloire belongs a Houſe with Land, valued at 5 Quarters of Wheat-Rent, beſides 30 Quarters more to receive in ſeveral parcels. To St. Anaſtaſe, a Houſe likewiſe with Land, valued only at 2 Quarters. Rents to receive 25 Quarters.

St. Bre-

		Quart.	Cab.	Sixt.			Quart.	Cab.	Sixt.
St. Brelade	Church	26	00	00	Grouville	Church	24	07	03½
	Poor	11	04	00		Poor	13	07	00½
Trinity	Church	24	00	00	St. Saviour	Church	22	06	04½
	Poor	24	00	00		Poor	17	06	03
St. Laurence	Church	30	00	00	St. Clement	Church	28	05	04½
	Poor	11	00	00		Poor	06	05	00
St. Martin	Church	28	05	01½	St. Helier	Church	37	03	03
	Poor	05	04	00		Poor	13	06	02

Cabots and Sixtoniers are the Fractions of a Quarter. 6 Sixtoniers make a Cabot, and 8 Cabots make a Quarter.

THE END OF THE APPENDIX.

SUPPLEMENTS

SUPPLEMENTS

AND

EMENDATIONS.

A Letter of King Edward III, to the Bailly, Jurats, and Inhabitants of* JERSEY, *commending their Fidelity, and acknowledging their Services. Rymer's Fœd. Tom. V. pag.* 186.

REX dilectis & fidelibus ſuis, Ballivo, Juratis, & omnibus aliis de Inſula noſtra de GERESEY, Salutem. Fidelitatis veſtre conſtantiam erga Nos, & noſtrorum conſervationem jurium, nedum relatio, ſet effectus operis dictis preponderans, clare probant. Nam ſemper in Dilectione noſtra vos ferventiores invenimus, pro quo vobis graviora diſpendia pertuliſtis. Propter quod, ſicut honori noſtro convenit, Communitatem veſtram, & ſingulares Perſonas ejuſdem ſic curabimus (Deo dante) grate reſpicere, quod gaudebitis erga Nos tam ludabiliter vos geſſiſſe. Velitis igitur, affectione ſolita, juxta firmam quam de vobis optinemus fiduciam, circa defenſionem dictorum jurium, contra Nobis adverſantes, tam magnanimiter vos habere, ut, preter laudis preconium quod ex hoc mirifice poteritis adipiſci, a Nobis retributionem uberem reportetis. Super aliis vero, tam honorem noſtrum quam commodum contingentibus, dilecto Nobis Thome de Cerfe, Clerico de Inſula noſtra predicta, prebere vos volumus plenam fidem. Dat. apud Weſtmonaſterium, viceſimo die Maij. [An. 14. Ed. III.] Per ipſum Regem & Conſilium.

* The proper place for inſerting, or at leaſt mentioning this Letter, had been under the Reign of that great Prince. But I had not then ſeen it. It does us ſo much honour that I have choſen to place it here, rather than omit it. It was written the ſame year in which the King gained the great Naval Victory before Sluys, viz. an. 1340.

The Liſt given, in a former page, of thoſe Princes of the Royal Blood, who have had the Government of the Iſlands, being imperfect, the whole Paragraph muſt be thus amended and filled up.

THIS Office has been anciently held by Perſons of very great note and eminency, and we can reckon among our Governors the Sons and Brothers of ſome of our Kings; as (1) John Earl of Mortain, afterwards King, who had theſe Iſlands ſettled upon him in the nature of an Appanage by Richard I. his Brother. (2) Prince Edward, afterwards King Edward I. Son and Succeſſor of Henry III. who enjoyed them in the ſame right in the Life of his Father. (3) Edward Duke of York, Son of Edmund Duke of York, who was fifth Son of Edward III. This Prince was ſlain at the Battle of Azincourt in 1415. (4) John Duke of Bedford, Brother of Henry V. and Regent of France, where he died, and was buried at Roûen. (5) Humphrey Duke of Gloceſter, Brother alſo of Henry V. He was murthered at St. Edmund's-bury, and lies in the Abbey-Church of St. Albans.

The Oath adminiſtered to a Jurat-Elect in JERSEY, *before he takes his Place upon the Bench.*

Vous N. N. Puis qu'il a plû a Dieu vous appeller legitimement en cette Charge, vous jurés & promettés par la foy & ſerment que vous devés a Dieu, que bien & fidelement vous excercerés l'eſtat & charge de Juré-Juſticier, en la Cour Royale de notre Souverain Seigneur le Roy George ſecond, par la grace de Dieu Roy de la Grande Bretagne, France, & Irlande, &c. en cette ſon Iſle de JERSEY; la Majeſté duquel vous reconnoiſtrés ſous Dieu ſupreme Governeur en tous ſes Royaumes, Provinces, & Dominions; renonçant a toutes Superioritez foraines & etrangeres. Vous garderés le droict de ſa Majeſté & de ſes Sujets, & ſoutiendrés l'honneur &

You N. N. Since it has pleaſed God to call you lawfully to this Charge, you ſwear and promiſe by the faith and oath which you owe unto God, that you will well and faithfully execute the place and office of Jurat-Juſticiary, in the Royal Court of our Sovereign Lord George the ſecond, by the grace of God King of Great Britain, France, and Ireland, &c. in this his Iſland of JERSEY; and that you will recognize His Majeſty as Supreme Governor under God in all his Kingdoms, Provinces, and Dominions; renouncing all foreign and ſtrange Superiorities [or Juriſdictions.] You ſhall maintaine the Rights of His Majeſty, and of his Subgloire

gloire de Dieu, & de ſa pure & ſacrée Parole. Vous adminiſtrerés bonne & briéve juſtice, egalement tant aux riches qu'aux pauvres, ſans acception de perſonnes, ſuivant nos loïx, coutumes, & uſages, confirmez par nos Privileges, en les ſoutenant, avec nos libertez & franchiſes, vous oppoſant a quiconque les voudroit enfraindre. Item, vous ferés punir & chatier tous Traitres, Meurtriers, Larrons, Blaſphemateurs du ſacré Nom de Dieu, Yvrognes, & autres Perſonnes ſcandaleuſes, chaſcun ſelon ſon demerite; vous oppoſant a tous Seditieux, a ce que la force demeure au Roy & a la Juſtice. Vous aſſiſterés a la Cour, toutefois & quantes qu'en ſerés requis, ſi n'avés excuſe legitime, & en tel cas mettrés un autre Juſticier en votre place; donnant votre avis, opinion, & conſeil, ſelon la pureté de votre conſcience. Vous honorerés & ferés reſpecter la Cour; & garderés & ferés garder le droict des Veuves & Orphelins, Etrangers, & autres perſonnes indefendûes. Finalement, en vos Concluſions, vous vous rangerés & conformerés au meilleur & plus ſain avis de Monſieur le Bailly & de Meſſieurs de la Juſtice. Vous le promettés en votre conſcience.

jects, and aſſert the honour and glory of God, and of his pure and ſacred Word. You ſhall adminiſter good and prompt Juſtice, both to rich and poor equally, without acceptation of perſons, agreeably to our laws, cuſtoms, and uſages, confirmed by our Privileges, upholding them, together with our liberties and freedoms, in oppoſition to all whomſoever that would infringe them. Moreover, you ſhall cauſe to be puniſhed and animadverted againſt all Traytors, Murtherers, Robbers, Blaſphemers of God's Holy Name, Drunkards, and other ſcandalous Perſons, each according to his deſerts; oppoſing all ſeditious practiſes, ſo that the King's Authority and that of Juſtice may remaine ſuperior. You ſhall aſſiſt at Court, whenſoever ſo required, unleſs you have a lawful excuſe to the contrary, and in ſuch caſe you ſhall ſet another Juſticier in your place; giving your advice, opinion, and counſel, according to the uprightneſs of your Conſcience. You ſhall honour and cauſe the Court to be reſpected; and ſhall maintaine and cauſe to be maintained the right of Widdows and Orphans, Strangers, and other defenſeleſs perſons. Laſtly, in your Concluſions, you ſhall yield and conforme yourſelf to the better and ſounder opinion of the Bailly and other Jurats. This you promiſe upon your Conſcience.

In Note (*a*) inſtead of the Engliſh Quotation of Daniel and Rapin, inſert this; Rex—cum privatâ familiâ naves aſcendit, & poſt triduum apud GERSEÆ Inſulam applicuit. Matt. Paris. Hiſt. maj. ad an. 1213. pag. 201.

Among the Officers of a Pariſh, it has been forgot to mention the Procureur, who is not the leaſt conſiderable. His buſineſs is to aſſert the Rights of the Pariſh, and (if need be) to ſue for them. The Name of the Office anſwers to that of Attorney. But 'tis not neceſſary he ſhould be a profeſſed Lawyer.

In the XIIIth Article of King John's Conſtitutions, the word prohibere renders the ſaid Article unintelligible. Inſtead of it, an ancient Copy of thoſe Conſtitutions lately found in the Tally-Office reads habere, which makes very good ſenſe.

FINIS.

REMARKS

REMARKS
ON
THE XIXth CHAPTER OF THE IId BOOK OF
Mr. SELDEN's MARE CLAUSUM,
IN A LETTER TO THE AUTHOR.

REVEREND SIR,

I SEE with pleaſure your Account of JERSEY brought at length to a concluſion, and cannot but congratulate myſelf and the reſt of my Countrymen for the accurate Deſcription you have given of that our Native Place. It lays an Obligation upon all the Inhabitants which they muſt never ceaſe to acknowledge. Whatever good and brave Actions have been performed by their Anceſtors you have therein tranſmitted to Poſterity, that they who come after may follow the Example, eſpecially in an unalterable Fidelity to the Crown of England, whereby they will entitle themſelves to it's Favour and Protection more and more.

Neither do your generous Endeavours to ſerve your Country end ſo. Some time ago you declared your intention to give your Books for the uſe of the Public there, and I who have often ſeen that Collection in my Viſits to you at Shenley, and have ſometimes bought for you here in London, am well apprized of the Coſt and Value of it. This your Declaration I ought in Juſtice to make known, the rather becauſe in that place of your Account, where you ſpeak of the want of a Library, you have, out of modeſty, declined naming yourſelf as the intended Benefactor. It remains only to wiſh, that when that Magazine of good Literature is brought into the Iſland, it may promote the Ends for which you deſign it.

In the courſe of your Hiſtory, I obſerve, that you have taken no Notice of ſome remarkable Arguments uſed by Mr. Selden in the 19th Chapter of the IId Book of his Mare Clauſum. On them I formerly made ſome Remarks, which I here ſend you, and of which you will make what uſe you think convenient. It will perhaps be reckoned no ſmall Preſumption in me, to oppoſe ſo great a Man as the Learned Mr.

Selden,

Selden, whoſe Authority hath upon moſt occaſions been held as *ſacred:* But it muſt be conſidered, That the learnedſt Man is liable to err; That Truth alone ought to be ſacred; and, That This, and not Authority, unleſs founded upon Truth, is to be regarded in any Writer, of how great a Name ſoever.

I ſhall therefore, without any further Apology, proceed to take into conſideration the Propoſition laid down by Mr. Selden in the fore-mentioned Place, which is,* "That the Kings of England have always [perpetuò] been in Poſſeſſion of the Iſlands "lying near the French ſhore; that is (as he explains himſelf) of the Iſlands of Jer-"ſey, Garneſey, and others on the coaſt of Normandy and Bretagne,† and conſe-"quently have been Maſters of the Sea, in which thoſe Iſlands lie."

And here I cannot but obſerve once for all, that for Mr. Selden to argue in Vindication of this noble Privilege, upon ſo ill-grounded a Principle, as he does all along in this Chapter, ſerves only to betray his Cauſe; and rather weakens, than confirms our ancient and well-eſtabliſhed Preſcription to the Dominion of the narrow Seas. For, were theſe Iſlands ever in the hands of Ecbert, Alfred, Edgar, Ethelred, Canute, or any of their Daniſh, or Saxon Succeſſors? And yet, if Mr. Selden's Argument be of any force, they ought even then, or rather for ever [perpetuò] to have been ſubject to the Kings of England; for ſo high is the Pretenſion to the Dominion of the Narrow Seas carried by the Aſſertors and Patrons of it.‡

To ſet therefore this whole Matter in a true light, I ſhall give a ſhort abſtract of the antient State of thoſe Iſles out of your Hiſtory. It is then certain, that theſe Iſlands were part of the ancient Province of Neuſtria, and ſubject to the Kings of France of the firſt and ſecond Race, till the Year 912, when Charles IV. King of France, harraſſed by the repeated Invaſions of the Norman Free-Booters, was, in order to quiet them, forced to grant Rollo and his Followers theſe Iſlands, with the whole rich Province of Normandy.§ Such was their ancient Civil State. As for their Eccleſiaſtical Government; about the Year DLV. Childebert did, at the Re-

* In dominio Inſularum litori Gallicano præjacentium perpetuo a Regibus Angliæ retento, poſſeſſionem Maris in quo ſitæ ſunt, à majoribus acceptam conſpici. Seldeni Mare Clauſum, Lib. II. c. 19.

† ——Litori Normannico ac Aremorico præjacentes, imo intra maris ſinum, quem facit hinc Aremoricum, illinc Normannicum litus. Ibid.

‡ See Mr. Burchet's Naval Hiſtory, Book I. c. x. xi. and Mr. Selden's Mare Clauſum, &c.

§ See Account of Jerſey, above.

queſt

queſt of St. Sampſon, Archbiſhop of Dol in Aremorica, (or Bretagne,) annex them to that See; under whoſe ſucceſſors they continued, till the ſettling of the Normans in Neuſtria*. But all that while, they remained, in ſecular Affairs, under the Juriſdiction of the Kings of France. For it appears, that Charles the Great had there his Governours, called Duces and Comites; and diſpatched thither, upon extraordinary occaſions, his Legati, or Commiſſioners-Royal.† When the Normans became poſſeſſed of Neuſtria, and with it of theſe Iſles, they were by them withdrawn from the Juriſdiction of the Archbiſhop of Dol, and annexed to the See of Coûtances.‡ So that Mr. Selden's Suppoſition muſt be groundleſs.§ That this was not done till the Engliſh were Maſters of both Shores, that is, after the Norman Conqueſt. Upon the whole then, theſe Iſlands were parcel of the Duchy of Normandy, untill by Henry I. they were annexed to, and declared unalienable from, the Crown of England.‖

Such being the Truth of the Matter, let us particularly examine the ſeveral Arguments alledged by the great Mr. Selden, to prove the contrary opinion, namely, "That the Kings of England have always poſſeſſed the Iſlands aforeſaid lying near the "Coaſt of France, [and conſequently been Maſters of the Sea in which they are ſituate.]

1. His firſt Argument is taken from a Petition¶ of the States of England, and of ſeveral other foreign Nations, to the Commiſſioners of England and France, againſt Reyner Grimbaltz, Admiral of France, in the Reigns of Edward I. and Philip the Fair, An. 1303; wherein it is expreſly acknowledged, that the King of England hath always been Maſter not only of this Sea, but alſo of the Iſlands lying in it, by reaſon of his Dignity, or as he is King of England. In anſwer to which, I beg leave to obſerve in general, that the Language of Petitions is ſeldom much to be depended upon, and therefore arguing from them is but building upon a ſandy Foundation.

* Ibid. † Ibid. ‡ Ibid.

§ Ob loci vicinitatem commodius quidem habebatur regimen eccleſiaſticum è Normanniâ deductum: quod initium habuiſſe ex illis ſeculis quibus utrumque litus poſſidebat Anglus, par eſt ut credamus. Selden ubi ſupra.

‖ Account of Jerſey.

¶ See that Petition at length in Mr. Selden's Mare Clauſum, Lib. II. c. 28. and Mr. Burchet's Naval Hiſtory, Book I. c. 11.

For

For the Petitioners do not generally regard ſo much the Truth of what they advance, as whether it will ſerve their preſent Turn and Purpoſe. As for the words of the Petition now under conſideration, they are ſo very general and indeterminate, that from them nothing certain can be concluded; For in them it is only affirmed, "That the Kings of England, by Reaſon of their ſaid Kingdom, have, from Time "immemorial, been in peaceable Poſſeſſion of the ſovereign Dominion of the Sea of "England, and of the Iſlands ſituate therein." * Now, what do they mean by the Sea of England? It could not be what is at preſent called the Britiſh Ocean, or elſe their words muſt admit of great Reſtriction. For certainly the Kings of England could not then be ſaid with any Truth to have been, *from Time immemorial, in peaceable Poſſeſſion of the Iſlands ſituate therein*, except a very few, namely thoſe of Wight, Portland, and others upon the Coaſts of the Southern Counties. The greateſt part of the Iſlands in the Narrow Seas were not then in their Poſſeſſion; witneſs the mighty Cluſters of Iſles about Scotland, ſeveral on the Coaſt of Bretagne, &c. Even Ireland was but lately conquered, viz. in the Reign of Henry II. and the Acceſſion of the Iſle of Jerſey, and others near the Norman Coaſt, was not till the Reign of Henry I. all which is far from having been from Time immemorial. So that the general Aſſertion of the Petitioners, taken in its obvious Senſe and due Latitude, is falſe; and they not having explained what Iſles they meant, no Argument of any weight can be grounded upon the words of their Petition: Conſequently this Argument of Mr. Selden is of no force.

2. His ſecond Argument is taken from a Cuſtom formerly practiſed by ſome of our Kings, namely, Their ſending over into thoſe Iſlands Juſtices Itinerant, as they are wont to do at the Circuits here in England, who brought ſuch Matters as could not be determined within thoſe Iſles into the Court of King's Bench; from whence he infers, That theſe Places were of the ancient Patrimony of England, and never belonged to Normandy: And this he endeavours to confirm, by obſerving, That the like was never done in thoſe Provinces of France, which were poſſeſſed by our Kings; they being left to their own Juriſdiction.

But ſurely this Argument does not in the leaſt prove, that theſe Iſlands *always* belonged to the Crown of England. At moſt, it only ſerves to ſhew, that they de-

* Que come les Royes d'Engleterre par raiſon dudit Royalme, du temps dont il ny ad memoire du contrarie, euſſent eſte en paiſible poſſeſſion de la ſovereigne Seignurie de la Mier d'Engleterre, & des Iſles eſteauns en ycelle——Selden Mare Clauſum, Lib. II. c. 28.

pended

pended upon it in the Reigns of Edward I. and of his two immediate ſucceſſors; which is not ſo high as the Time of Henry I. when it is well known that they were annexed to the Engliſh Dominions. For the Cuſtom of ſending Juſtices thither * did not begin till the latter End of Edward I. when Robert de Leiſſet was commiſſioned to go there, at firſt under the Title of Inquiſitor, and afterwards of Judge-itinerant; and was again abrogated in the fifth Year of Edward III. But theſe Juſtices were very different from the Judges of Aſſize commiſſioned to adminiſter Juſtice in England; for theſe latter go every Year, whereas the former were ſent only once in three Years, or upon extraordinary Occaſions; in conformity to the ancient Norman Cuſtom, where the Seneſchallus went his Circuit once in three Years.† And the ſending of thoſe Juſtices was ſo far from being a thing of ancient Right, that it was all along conteſted and oppoſed; and the Inhabitants, as Mr. Selden takes notice, were often preſenting Remonſtrances and Petitions againſt it.

Again it muſt be obſerved, that the Commiſſions of thoſe Juſtices contained an expreſs Clauſe, yet extant upon Record, that they ſhould judge "*ſecundum Leges &* "*Conſuetudines Inſularum.*"‡ Now theſe Laws and Cuſtoms were not the ſame with thoſe of England, but of Normandy, as appears by the Inſpection of the Rolls of thoſe Juſtices in the Tally-Office in the Exchequer. And this, by the bye, is no inſignificant Proof of their having formerly been part of Normandy, and not *always, from Time immemorial*, belonged to the Crown of England, according to Mr. Selden's Aſſertion.

Moreover the ſending Juſtices itinerant into the ſaid Iſles, is no more an Argument of their having *always* been in the Poſſeſſion of the Kings of England, than the ſending Inquiſitors into Normandy is a Proof of it's having *always* been ſubject to the Engliſh Crown. And yet, that ſuch Inquiſitors were ſent thither, is manifeſt from this paſſage of Robert de Monte, in his Appendix to Sigebert, under the Year 1164. "Rotrocus Epiſc. Ebroicenſis & Raynaldus de Sancto Valerico Norman-"niam recognoſcere miſſi ſunt, juſſu Regis, per Epiſcopatus, Regales Redditus, & "Conſuetudines ad Regem & Barones pertinentes." Which Commiſſion was like

* As is manifeſt from the Records in the Tally-Office.

† Grand Couſtumier, Chap. *Du Seneſchall au Duc.*

‡ Rot. Inſul. An. 2 Edw. II. &c. penes Camerarios Scaccarij.

that of the Juſtices itinerant above-mentioned, conſiſting only of Quo-Warranto's: And it will be to no purpoſe to pretend to find a Difference, by ſaying, That theſe Inquiſitors were Normans; for ſometimes the Juſtices aforementioned were alſo Natives of the Iſlands, as Drogo de Barentin, and John de Carteret; their Commiſſion receiving thereby no manner of Alteration. As for the bringing and determining of Suits begun there into the Court of the King's Bench, it was a downright Violation of their Laws and Privileges, and directly contrary to the VIIIth Article of King John's Conſtitutions, which ſays expreſsly, That "all Suits commenced within "the ſaid Iſlands, ſhall be terminated there."* Accordingly, theſe Irregularities were rectified, and the ancient Privileges of the Iſlands confirmed by King Edward III. and his Succeſſors Kings of England; and from that time, I believe, they have been ſubject only to the King and Council.

3. His next Argument is taken from a Charter of Edward VI. wherein it is ſaid, "That the Privileges therein granted, were the ſame as the Iſlanders and their An-"ceſtors had enjoyed under ſome of his Predeceſſors Kings of England," without adding theſe words, "and Dukes of Normandy." But to this what Mr. Selden himſelf obſerves might be a ſufficient Reply, That though theſe words are left out of this Charter, yet they are found in others. And it may moreover be remembered, that after Henry III. had parted with his Right to Normandy, the words above were *ſeldom*, or not always at leaſt, inſerted among the reſt of our Kings' Titles. However, not to inſiſt upon this, it would be but a bad way of arguing to ſay, The Kings of England have granted theſe Iſlands many Privileges, or, theſe Iſlands have enjoyed many Privileges under the Kings of England; therefore the Dukes of Normandy were never in Poſſeſſion of them, or had any thing to do there. And yet no better is the preſent Argument.

4. Mr. Selden's IVth Argument is, That in a Petition preſented to the Parliament by the Iſlanders, in the Reign of Edward III. wherein they give a Repreſentation of the Privileges they had enjoyed from time immemorial, there are ſome which ſeem to imply, that thoſe Iſles had been ſubject to the ordinary Juriſdiction of our Kings, in Right of their Kingdom of England, and not as they were Dukes of Normandy.

* Quod nullum Placitum infrà quamlibet dictarum Inſularum coram quibuſcunque Juſticiarijs inceptum, debet extrà dictam Inſulam adjornari, ſed ibidem omninò terminari. See Account of Jerſey, p. 331.

But

But this can never be made out from the Inſtances alledged here by Mr. Selden,* unleſs it is proved at the ſame time, That the Iſlands enjoyed thoſe Privileges before ever the Kings of the Norman Race mounted the Engliſh Throne, and were not indebted for them to the Favour of the Kings of England. For, examine them impartially, and you will find, there is not in them the leaſt Circumſtance that makes it appear, whether they were granted by Kings of England, or Dukes of Normandy. The Privileges here cited are Part of the Conſtitutions of King John.† They were indeed granted by him, not as Duke of Normandy, (for he had then loſt that Province) but as King of England: And yet this does not in the leaſt prove, that theſe Iſlands had *always* been under the Juriſdiction of the Kings of England. Accordingly, in that ſame Petition the Iſlanders acknowledge, That they had [formerly] been part of Normandy, as is well obſerved by Mr. Selden. As for their ſaying, that they had enjoyed thoſe Privileges from time immemorial, that might poſſibly be, if it be admitted, that King John's Conſtitutions contained, at leaſt in the main, a Confirmation of their ancient Rights and Liberties; which is very certain. Or, dating the Origin of them from King John's Conſtitutions, they muſt then have been near an hundred years in poſſeſſion thereof, which is more than ſufficient to found a Preſcription, and may with no great impropriety be called *Time immemorial*.

5. For a Vth Argument, Mr. Selden produceth a Grant of Queen Elizabeth to Helier de Carteret, and his Heirs, of the Iſle of Serk, to be held *in Capite*; as if that *Tenure* was an infallible Proof of this Iſland's having *ever* been a *Fee-patrimonial* of the Crown of England. Can nothing then be granted by that Tenure, except a Patrimonial Fee? Why it could not be thus diſpoſed of, if it had been Part of the Engliſh Patrimony, only ſince the Norman Conqueſt, is really inconceivable. Perhaps the Author means, that this Iſland's being granted by a Tenure that was peculiar to England, is an evident Proof of it's having always been Part of the Engliſh Dominions. So Mr. Poingdeſtre underſtands him. But certainly Mr. Selden very

* Item quod nullus de libero tenemento ſuo, quod annùm & diem pacificè tenuerit, ſine brevi domini Regis de Cancellariâ, de tenemento & tenente faciente mentionem, reſpondere debeat. Item, quod non debeant coram juſtitiariis domini Regis, ad aſſiſas capiendas aſſignatis, reſpondere, antequam tranſcripta commiſſionum eorundem ſub ſigillis ſuis eis liberent. Item quod juſtitiarii per commiſſionem domini Regis ad aſſiſas capiendas hic aſſignati non debeant placita hîc tenere ultrà ſpatium trium ſeptimanarum.

† Artic. IX, XIV, XV. See Acc. of Jerſey, p. 331, 332.

well knew, that *Tenures in Capite* are not peculiar to England, but have, from the ancienteſt Times, been alſo uſed in Normandy;* whence if we believe Dr. Brady,† they were brought into this Kingdom after the Norman Conqueſt. So that this Argument is of no Moment.

6. Neither is the next of much greater weight: It is taken from the VIth Article of the Treaty of Bretigny; wherein it is ſaid, "That the King of England ſhall "have and hold all the Iſles adjacent to the Lands, Countries, and Places before-"named, *together with all other Iſles which he holds at preſent.*" But what then? Is it there ſaid, the Kings of England have always held thoſe Iſlands? Or doth it thence follow, that thoſe Iſlands have *always*, and *from Time immemorial*, belonged to the Crown of England? Surely no Argument can be more trifling or inconcluſive.

7. The Conſequence he draws from a Clauſe in the Treaty between Henry VIII. and the Emperor, in 1542, and of another, between Queen Elizabeth and the States of the United Provinces, An. 1585, wherein it is ſaid, that the forementioned Iſlands "*ad regnum Angliæ attinent, & regno Angliæ adjacent,*" belong to and are ſituate near the Kingdom of England, is of as little force as the laſt; unleſs we are ſure hereby was meant, that the ſaid Iſlands *always* belonged to the Kings of England; otherwiſe it will be the ſame as if one was to argue, that Ireland was *always*, and *from time immemorial*, [perpetuò] ſubject to England, becauſe it *belongs to*, and lies near it, which would be a very poor and falſe Inference.

8. His two next Arguments tend to prove, That the Kings of England ever held thoſe Iſlands by a higher Title than that of Dukes [of Normandy,] otherwiſe Henry V. could not have granted them to his Brother John Duke of Bedford in full Sovereignty; nor Henry VI. created Henry Beauchamp, Duke of Warwick, King of them, unleſs they had poſſeſſed them by a Royal Title.

In anſwer to which the Reader may obſerve, that, after the Loſs of Normandy, if our Kings poſſeſſed them at all, they muſt have done it as Kings of England, and diſpoſed of them as ſuch; and not as Dukes of Normandy, becauſe they were no

* See Grand Couſtumier, Diſtinction III. Chap. 34.
† Preface to the Norman Hiſtory.

longer

longer ſo. But beſides, ſuppoſe a King of England ſhould have a mind, with the Conſent of his Parliament, to erect any part of his Dominions into a ſeparate and dependent Kingdom, (as was that of the Iſles;) I ſhall aſk, whether it would not be equally in his power to do it, if he held them only as Earl or Duke, as if he did it as King or Emperour? This the Inſtance alledged by Mr. Selden ſhews to be no way impoſſible. Richard II. erected Ireland into a Kingdom, in behalf of Robert de Vere Earl of Oxford; and yet neither He nor his Succeſſors were ſtyled otherwiſe than Lords of that Iſland, till Henry VIII. took the Title of King of England, France, and Ireland. Why therefore it ſhould not be equally in the Power of Henry V. and VI. to make a Kingdom of the Iſles above-named, though they held them only as Dukes or Lords, is what I cannot conceive.

10. Mr. Selden's laſt Argument, for the perpetual Dependence of theſe Iſles on the Crown of England, is, that he finds in the Rolls of the Juſtices itinerant ſent over thither, theſe words—"*Placita Coronæ*;"—"*ſpreta dignitate coronæ domini Re-*"*gis*,"—"*ut de feodo et jure coronæ ſuæ*," &c. all which is a Style of Regal and not of Ducal Authority. But from what time theſe Expreſſions were uſed, is the Queſtion? If they were not ſo [perpetuò] *always*, and *from time immemorial*, this Argument will be nothing to the purpoſe. And why they could not be uſed, if our Kings had enjoyed thoſe Iſlands *only* from the Reign of William I. is what no man can give a good reaſon for. The time here mentioned by our Author can be no objection, for it was during the Reigns of the three firſt Edwards. And before that time Mr. Selden might have known, there was another Form of Words, as is manifeſt from the Roll of Robert de Leiſſet, wherein we read, "*Placita Coronæ, quæ in Inſulis* "*dicuntur Placita Spadæ.*"* What theſe *Placita Spadæ* were, is plain from the *Grand Coutumier*, which informs us, that the *Sword* was the Badge of *Ducal* Authority, as the Crown is of *Regal*. Whence it is that in Matt. Paris,† Huntingdon, Hoveden,‡ and other Hiſtorians, "*cingi gladio Ducatus Normanniæ*," was the ſame in a Duke of Normandy, as to be crowned in a King of England.

Theſe, Sir, are the few Remarks I had to make on Mr. Selden; at which I hope no one can take Offence. The Deſign of them is neither to undervalue the truly learned Man whom I have oppoſed, nor to weaken the Title which the Engliſh Na-

* An. 28 Edw. I. penès Camerarios Scacc.
† M. Paris, p. 196.
‡ Hoved. p. 654, 792, 793, &c.

tion

tion enjoys to the Dominion of the Britiſh Ocean: A right which is grounded upon immemorial Preſcription; that hath been confirmed by repeated Treaties, and conſtant Practice; and a right on which indeed the Safety of our Iſlands of Jerſey and Guernezey entirely depends: For ſo long as our Maſters, the Kings of England, enjoy the Dominion of the Narrow Seas, ſo long are we ſafe, and no longer. The Moment the French, or any other envious neighbouring Nation, rivals the Power of England, and gets a Fleet ſuperior to ours, (of which indeed there is no danger at preſent, and it is to be hoped never will) we ſhall be inevitably ſwallowed up, be brought into the ſame wretched ſtate of Slavery, which thoſe tyrannical Princes keep their unhappy Subjects under; and loſe at once the Enjoyment of our excellent Religion, and of all our Civil Rights and Liberties; without which, what is there deſirable under the Sun? That we may always therefore remain united to that powerful Crown, under whoſe kind Government we enjoy all the Happineſs and Protection we can deſire, and taſte of the Sweets of Liberty and Plenty, as much as the narrow Compaſs of that ſmall Place can afford, is the hearty wiſh of,

SIR,

Your moſt obedient,

and obliged, humble Servant,

London, October 27, 1733.

PHILIP MORANT.

BRITISH MUSEUM 15 AP 1908